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सं. 23] नई विल्सनी, लखियार, जून 10, 1978/ज्येष्ठ 20, 1900
No. 23] NEW DELHI, SATURDAY, JUNE 10, 1978/JYAISTHA 20, 1900

इस भाग में मिश्र पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-Section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ राज्य क्षेत्र प्रशासनों को छोड़कर)

केन्द्रीय प्राधिकारियों द्वारा जारी किए गए साधिकारिक प्रावेश और अधिसूचनाएं

Statutory Orders and Notifications issued by the Ministries of the Government of India
(other than the Ministry of Defence) by Central Authorities
(other than the Administrations of Union Territories)

भारत निर्वाचन आयोग
नई विल्सनी, 8 मार्च, 1978

सा०प्रा० 1645.—लोक प्रतिनिधित्व अधिनियम, 1951 की बारा 106 के अनुसरण में निर्वाचन प्रायोग, 1977 की निर्वाचन प्रभौ संख्या 1977 का 3 में दिया गया भव्य प्रवेश उच्च न्यायालय, जबलपुर, का तारीख 4 मार्च, 1978, का आदेश प्रकाशित करता है।

(यदृ आदेश अंग्रेजी में मुक्तित है)

[सं० 82/म० प्र०-ल००८०/३/७७]
बी० नागराजमण्णन, सचिव

ELECTION COMMISSION OF INDIA
New Delhi, the 8th May, 1978

S.O. 1645.—In pursuance of the section 106 of the Representation of the People Act, 1951, the Election Commission hereby publishes the Order dated the 4th April, 1978 of the High Court of Madhya Pradesh, Jabalpur, in election petition No. 3 of 1977.

IN THE HIGH COURT OF MADHYA PRADESH,
JABALPUR

Before the Hon. Shri Justice K. K. Dube
Election Petition No. 3 of 1977

Pratulchandra Dwivedi aged about 50 years son of
Madhava Prasad Dwivedi, resident of—In front of

216 GI/78.

old Power House, Kailashpuri, Chhindwara, district
Chhindwara.

.....PETITIONER.

Versus

1. Gargi Shankar Mishra aged about 57 years, son of Ramshankar Mishra, resident of Circular Bhawan, Girja Kund Ward, Seoni, district Seoni.
2. Prasant Kumar aged about 45 years son of N. H. Banerji, resident of village West Badkuhi, P.O. Chandameta Tahsil and District Chhindwara.
3. Dr. Basant S. Rao aged 45 years, son of Shivaji Rao Kamle, resident of Sauser, Tahsil Sauser, District Chhindwara.

.....RESPONDENTS.

Shri L. S. Baghel, Advocate for the petitioner.

Shri Y. S. Dharmadhikari
Shri D. M. Dharmadhikari
Shri B. M. Lall
Ku. Kanti Rao
Shri K. K. Tiwari } Advocates for the Respondent
No. 1.

None for respondents 2 and 3; ex parte.

Petition under Sections 80A and 81 of the Representation of the People Act, 1951, challenging the election of Shri Gargishankar Mishra to the Lok Sabha, from 27-Chhindwara Constituency, declared on 21-3-1977.

ORDER

This is an election petition under Sections 80A and 81 of

the Representation of the People Act, 1951 (hereinafter referred to as 'the Act') seeking to call in question the election of respondent No. 1 from 27-Chhindwara Lok Sabha Constituency in Parliamentary elections held in 1977.

2. Of the four candidates in the election, the respondent No. 1, Gargishankar Mishra, fought on Congress ticket while the petitioner, Pratulchandra Dwivedi, contested the election on Janta Party ticket. The remaining two candidates, Prasant Kumar and Dr. Basant Rao were not sponsored by any party and were independent candidates. The election programme was as under :

Last date for filling nominations	; 17-2-1977.
Date of scrutiny	; 18-2-1977.
Date of withdrawal	; 21-2-1977.
Date of poll	; 19-3-1977.
Date of counting	; 21-3-1977.

The votes obtained by the contesting candidates were as under :—

(1) Gargishankar Mishra (Congress)	99,396.
(2) Pratulchandra Dwivedi (Janta)	97,027.
(3) Prasant Kumar (Independent)	24,150.
(4) Dr. Basant S. Rao (Independent)	6,370.

The respondent No. 1, Shri Gargishankar Mishra was declared to have been elected having secured the majority of votes.

3. The election of respondent No. 1 is challenged on the ground ; first, that he had not made and subscribed the prescribed oath or affirmation required under Article 84(a) of the Constitution of India and was, therefore, disqualified to contest the election. It is averred that the prescribed oath or affirmation was subscribed at 1.00 P.M. on February 17, 1977 when the respondent No. 1 could not be said to have been nominated to fill the Chhindwara seat in the House of People. The respondent No. 1, it is alleged, filed his nomination papers at 1.15 P.M. and till the time he had filed his nomination papers he could not be said to have been nominated and, therefore, the occasion for taking the prescribed oath or affirmation did not arise. This objection was raised at the time of scrutiny before the Returning Officer but he rejected it. It is further stated that the election results were materially affected by the improper acceptance of the nomination paper of respondent No. 1. The election is also challenged on the ground that respondent No. 1 procured or obtained the assistance of Shri U. S. Bajpai, Commissioner, Jabalpur Division, for furthering his prospects in the election. It is alleged that Shri U. S. Bajpai, on 13th March 1977 at Chhindwara with the consent of respondent No. 1, asked the Patwaris and the revenue officers to help respondent No. 1 in the election & tried to influence one R. K. Gajaria, Sub-Divisional Officer to help the respondent No. 1 in his election. But since Gajaria did not agree to the proposal, he was transferred from Amarwada to Chhindwara. Shri U. S. Bajpai is further alleged to have called the Patwaris and Excise Officers at Chhindwara, Amarwada and Barrai and asked them to support the respondent No. 1 and to procure votes for him so that respondent No. 1 comes out victorious in the election. The Commissioner is also alleged to have asked some P.W.D. Officer at Harrai to assist the respondent No. 1 in his electioneering. Thus, it was alleged that the respondent No. 1 committed corrupt practices under section 123(7) of the Representation of the People Act. The petitioner not only prays that the election be set aside but also prays that he be declared elected.

4. The respondent No. 1 has denied these allegations. He stated that he had presented the nomination papers which were duly proposed and accepted by him along with the necessary receipt of the security deposit and one oath form some time before 1.00 P.M. on February 17, 1977. He handed over the papers to the Returning Officer and the Returning Officer pointed out that the oath subscribed by him was on obsolete form. The Returning Officer gave him the correct form. The respondent No. 1 then stated that he took the form of oath given to him and went to the adjoining room where he subscribed the necessary oath and brought the form and presented it again to the Returning Officer along with the same nomination papers. He denied that he was not qualified

to be a candidate. The respondent No. 1 totally denied the corrupt practices being false. He specifically pleaded that the Sub-Divisional Officer, Gajaria, was transferred from Amarwada since there were complaints against him that he was siding the Janta Party.

5. On the basis of the above pleadings, the following issues were framed :—

1. (a) Whether nomination of respondent No. 1 Gargishankar Mishra was wrongly accepted ?

(b) Whether respondent No. 1 failed to make or subscribe oath or affirmation as prescribed by Article 84(a) of the Constitution of India ?

(c) Whether the election results have been materially affected by improper acceptance of nomination of the respondent No. 1 ?

2. (a) Whether the respondent No. 1 procured assistance of Shri U. S. Bajpai, Commissioner, Jabalpur Division as alleged in paras 6(A), (B), (C), (D), (E), (F), (G) and (H) for furtherance of the prospects of his election

2. (b) Whether allegations in para 6(A) to (H) of the election petition lack in material particulars ?

3. Whether the petitioner is entitled to a declaration that he has been duly elected ?

4. Relief and costs ?

6. Issue No. 1(a), (b) and (c).—Before proceeding to examine whether the nomination papers of the respondent No. 1 were improperly accepted, it would be necessary to find out as to what had actually happened in the case. The nomination papers of the respondent No. 1 indicate that of the four nomination papers presented before the Returning Officer, the first one was at 1.15 P.M. on 17-2-1977 while it would appear from the oath form that the oath was made and subscribed at 1.00 P.M. The validity of the oath is not disputed except on the ground that it was made at a time when the respondent No. 1 could not be said to have been nominated. The most important evidence here is that of the Returning Officer, Shri J. L. Bose (P.W. 4). At the time of scrutiny deciding an objection in favour of respondent No. 1, Shri Bose (P.W. 4) stated that the respondent No. 1 had deposited the security amount before 1.00 P.M. on 17-2-1977. Thereafter, he had shown the nomination form to him. He, therefore, did not record the time on the nomination paper when it was presented to him. Since the oath form was not in order, the respondent No. 1 took away all the papers and went to make the oath in the next room. After he had subscribed the oath, he had filed all the nomination papers along with the oath form and other papers. From this order, it would appear that the nomination papers were first made over to him but the same were taken back by the respondent No. 1. In his evidence before the Court, the Returning Officer stated the same thing. He stated that the respondent No. 1 had produced the nomination papers and the oath form sworn at Seoni. Respondent had already deposited the security amount and had produced the receipt. Since the oath form was not in proper form, he asked the respondent No. 1 to subscribe the oath in the correct form. He directed him to take the oath in the adjoining room before the First Class Magistrate deputed for that purpose. The respondent No. 1 took the oath form and also took away the nomination papers. He, therefore, did not record the timing of the presentation of the nomination papers at that time. The timing on the nomination papers was recorded when respondent No. 1 filed the oath form along with the nomination papers. The nomination forms were presented at 1.15 P.M.

7. Sharad Roday (P. W. 9) who had filed nomination, stated that he was closely watching the respondent No. 1 as to what he was doing with a view to know what he ought to do himself. According to this witness, the respondent No. 1 filed the nomination papers sitting in the room near the table of one Chourasia Baboo (P.W. 3). According to Roday, the respondent No. 1 was sitting in the adjoining room where oath was taken and after subscribing the oath, he came to the room where Returning Officer was sitting. He then sat near the table of Hir Lal Chourasia and filled in the nomination form. The respondent No. 1 submitted the forms at about 1.00 P.M. Sharad Roday submitted his form at about 1.05 P.M. The respondent No. 1, according to him, filed his nomination

before him. This evidence clearly establishes that the respondent No. 1 had presented the nomination forms before 1.00 P.M. on 17-2-1977.

8. Another witness, Hiralal Chourasia (P.W. 3), examined by the petitioner, stated that the respondent No. 1 had the oath form with him when he filed the nomination papers. He asserted that he had seen the respondent No. 1 filing his nomination papers. He has further stated that the nomination forms were filled in his presence. The respondent No. 1, Gaurishankar Mishra has stated that he had brought the nomination forms duly filled in. They had been filled in the Cooperative Bank building. I am inclined to believe the respondent No. 1 when he stated that he had come ready with the forms duly filled in for the purpose of filing. The respondent No. 1 had fought two elections before and it is more probable that respondent No. 1 would have his forms proposed and signed beforehand and would not postpone this work to be done in the crowded room of the Returning Officer. I, would, therefore, reject the evidence of Hiralal Chourasia (P.W. 3) and Sharad Roday (P.W. 9) that the forms were filled in the Returning Officer's room by respondent No. 1.

9. From the above evidence, it is quite clear that respondent No. 1 had presented the nomination papers sometime before 1.00 P.M. This is also the evidence of respondent No. 1 that he had submitted the nomination papers along with the oath form before the Returning Officer. It is further clear from the above evidence that the Returning Officer returned the invalid old form to the respondent No. 1 and asked him to take the oath in an adjoining room in proper form. The respondent No. 1 had taken the form. According to the Returning Officer, the respondent No. 1 had taken the nomination papers back and re-submitted them along with the oath form. However, according to respondent No. 1, he left the nomination papers on the table but only took the oath form and after subscribing the oath, submitted them before the Returning Officer.

10. It appears true that Shri Gaurishankar Mishra respondent No. 1 was in doubt as to the true legal position as to when the oath had to be subscribed. This is clear because he had already brought the oath form sworn at Seoni. All the same, it is also clear that he had come wholly prepared to file the nomination forms and not merely to take advice of the Returning Officer. When he presented the nomination forms it was with the intention of filing them and not with the purpose of merely showing them to the Returning Officer. Now, once the nomination forms have been delivered to the Returning Officer, it would not be permissible to take them back. The presentation of nomination contemplated under section 33 of the Act is by delivery to the Returning Officer of the nomination paper. The respondent No. 1 having handed over the nomination papers to the Returning Officer had, in fact, complied with the requirements of section 33 and it was not open to the Returning Officer to return back the forms to the respondent No. 1. There is no provision for returning the nomination paper once it has been delivered. If the candidate wanted to withdraw, he could do so by making an application under section 37 of the Act. However, as to what had actually transpired, I have to rely on the Returning Officer. As to what would constitute delivery of document would be a question of fact and the test would be whether the respondent No. 1 had lost domain over the papers when he had handed over them to the Returning Officer. As already pointed out, there is nothing in the evidence of respondent No. 1 to suggest that he wanted the papers back but it was the respondent No. 1 had not appreciated the true legal position and there is no escape from the conclusion that the nomination papers had, in fact, been delivered to the Returning Officer. This had taken place a little before 1.00 P.M.

11. If, however, it is held that the nomination papers were delivered at 1.15 P.M. could it be said that the oath which was subscribed at 1.00 P.M. was at a time when the respondent No. 1 had not been nominated. Part V, chapter I of the Representation of the People Act deals with nomination of candidates. Under section 30, a notification calling upon a constituency to elect a member is issued appointing the last date for making nominations, which shall be the seventh day after the date of publication of the notification. In this notification, the date for the scrutiny of nominations, the last date for the withdrawal of candidature and the date of poll are also indicated. Under section 31, public notice of election is given inviting nominations of candidates specifying the place at which the nomination papers are to be delivered.

the Returning Officer who had returned them. If they were really returned, the respondent No. 1's position would not materially improve by leaving the documents at the table. I am, however, of the view that the Returning Officer as also it would appear that the nomination could not take place before the dates indicated under sections 30 and 31. Section 32 deals with nomination of candidates for election and any person may be nominated as a candidate for election fill a seat if he is qualified to be chosen to fill that seat under the provisions of the Constitution and the Representation of the People Act. This section is followed by section 33 which deals with presentation of nomination paper and requirements for a valid nomination.

12. It would appear that in the process of nomination, there would have to be a nomination papers completed in the prescribed form and signed by the candidate and by an elector of the constituency as a proposer. The nomination is to fill a seat and the candidate has to be qualified to be chosen to fill that seat under the provisions of the Constitution and the Act. The nomination paper has to be delivered in person by the proposer or the candidate between the hours of eleven o'clock in the forenoon and three o'clock in the afternoon to the Returning Officer at the place specified in this behalf in the notice issued under section 31. There are other requirements given in section 33 which have to be complied with. By section 34, a candidate shall not be deemed to be duly nominated for election from a constituency unless the deposits or causes to be deposited the security amount stated under this section.

13. The nomination envisaged under section 32 has necessarily to refer to the filing of nomination under section 33 and deposit made under section 34. Sections 30 to 34 thus deal with the process of nomination and it cannot be said that the nomination of candidate is done when the proposer and the candidate signed the nomination paper. Section 34 would make it abundantly clear that the candidate shall not be deemed to be duly nominated for election from a constituency unless he deposited the security amount. The nomination is, therefore, dependent not only on the presentation of the nomination paper but also on the deposit made under section 34. It would also appear clear from the decision of the Supreme Court in Khaje Khanavar Khadar-khan Hussain Khan and another V. Siddavanaballi Nijalinappa and another (A.I.R. 1969 Supreme Court 1034) that the affirmation or the oath has to be made after the nomination paper has been filed. Their Lordships observed as under :—

"In the High Court that affirmation was challenged solely on the ground that it should have been made prior to the filing of the nomination paper, and that ground, of course, had no force because the form of affirmation given in the Third Schedule to the Constitution itself make it manifest that the affirmation must be made after the nomination paper has been filed."

14. That being the legal position, I have now to consider whether or not there has been a substantial compliance of the provisions of the Constitution and the Act. It was pointed out that under section 36(4), the Returning Officer is enjoined not to reject any nomination paper on the ground of any defect which is not of a substantial character. It is contended that when the nomination forms had actually been on the table of the Returning Officer it ought to be held that there has been a nomination of the respondent No. 1 as contemplated under Article 84 of the Constitution and the oath subscribed by him after he had been nominated.

15. In Virji Ram Sutaria V. Bathalal Premji Bhanvadia and others (A.I.R. 1970 Supreme Court 765) the Supreme Court was of the view that there should be a substantial compliance of Article 173(a) of the Constitution in the circumstances surrounding the making and the subscribing of the oath even if the compliance was not literal. The Supreme Court laid down the ingredients of Article 173(a) of the Constitution. The Supreme Court relied on the statement of objects and reasons to the Bill seeking amendment of Article 19, 84 and 173 of the Constitution. It was observed as under :—

"The High Court held that there was substantial compliance with the requirements of Article 173(a) of the Constitution in the circumstances surrounding the making and the subscribing of the oath even if the compliance was not literal. We are in full agreement with that view. The essential re-

quirements of Article 173(a) of the Constitution for our present purpose is that in order to be qualified to be chosen to fill a seat in the Legislature of a State a person (i) must be a citizen of India and (ii) must make and subscribe before a person duly authorised an oath or affirmation according to the form set out for the purpose in the Third Schedule. Form VII-A contains the following essential requirements :

- (1) The person taking the oath or making the affirmation must have been nominated as a candidate to fill a seat in the Legislative Assembly or Legislative Council.
- (2) That he will bear true faith and allegiance to the Constitution of India as by law established ; and
- (3) That he will uphold the sovereignty and integrity of India.

The vital requirements, therefore, are (a) the securing of a nomination, and (b) declaration of bearing true faith and allegiance to the Constitution and a promise to uphold the sovereignty and integrity of India. The security of a nomination precedes the making of a declaration. The real purpose of the oath is that the person concerned must give an undertaking to bear true faith and allegiance to the Constitution and uphold the sovereignty and integrity of India. This is brought out by the Statement of Objects and Reasons to the Bill No. 1 of 1963 seeking to amend Articles 19, 84 and 173 of the Constitution. The statement of Objects and Reasons notes the recommendation of the Committee on National Integration and Regionalism and its view "that every candidate for the membership of a State Legislature or Parliament, and every aspirant to, and incumbent of, public office should pledge himself to uphold the Constitution and to preserve the integrity and sovereignty of the Union and that forms of oath in the Third Schedule to the Constitution should be suitably amended for the purpose." The Bill proposed to give effect to the recommendation by amending Clauses (2), (3) and (4) of Article 19 as also Articles 84 and 173 and the forms of oath in the Third Schedule. The words in the form of oath in Form VII-A.

"I will uphold the sovereignty and integrity of India" were inserted by the Constitution Fifteenth Amendment Act 1963 giving effect to the view of the said Committee."

16. In *Pashupati Nath Singh v. Harihar Prasad Singh* I.R. 1968 Supreme Court 1064) the Supreme Court considered the meaning of the words "having been nominated" occurring in the oath form in the Third Schedule of the Constitution. It was stated that the oath or affirmation cannot be made or subscribed by a candidate before he has been nominated as a candidate. The Supreme Court was considering the question whether the nomination paper was improperly rejected by the Returning Officer. The oath in that case was made on the date of scrutiny and there was no oath or affirmation made either before or after the nomination paper. In Hussain Khan's case (*supra*), the respondent whose election was sought to be challenged had filed the nomination paper from three constituencies. As regards Shiggaon constituency he had filed the oath form on the date of scrutiny. The Supreme Court held that this was invalid according to the rule in *Pashupati Nath Singh's* case. However, it was permissible to consider if any oath or affirmation was made or subscribed before the date of scrutiny even though such oath or affirmation was made or subscribed with respect to other nomination before the same Returning Officer though in respect of different constituency. It would appear from the facts of the case that such affirmation was in fact validly made on the 19th and 20th January, 1967. The Supreme Court considering the legality of the nomination in respect of Shiggaon constituency accepted the affirmation done in regard to another constituency. It was stated that there was no requirement that the qualifications envisaged under Article 173(a) of the Constitution must be acquired separately in respect of each constituency from which the respondent was seeking election.

17. It was then stated that the purpose of Article 173(a) is to ensure that any person who wants to be a member of the Legislature of a State must bear true faith and allegiance to the Constitution of India as by law established and undertake to uphold the sovereignty and integrity of India and to ensure this, he must make an oath or affirmation. It was observed in Hussain Khan's case (*supra*) as under :—

"Once such an oath or affirmation is made before a competent authority in respect of one constituency, he becomes bound by that oath or affirmation even if he gets elected to Legislature from a different constituency, so that there is no necessity that he must make oath or affirmation repeatedly on his being nominated from more than one constituency. The language of Article 173(a) also makes this very clear because all that it requires is one oath or affirmation in accordance with the form set out in the Third Schedule to the Constitution so as to remove the disqualification from being a candidate for election to the Legislature of the State. The Article does not mention that the making of oath or affirmation is to be preliminary to the validity of candidature in each constituency and recognises the fact that once the necessary qualification is obtained, that qualification removes the bar laid down by that Article".

It is clear from the observations of the Supreme Court that the qualification is acquired by taking the necessary oath even while the oath was taken or affirmation made in connection with another constituency and which was clearly not with respect to the nomination in question. Once the qualification was acquired that qualification removed the bar laid down by that Article. Can it be said, therefore, that the taking of oath by the respondent No. 1 in this case removed the bar under Article 84 of the Constitution. Now, in the instant case, the oath had been taken after the proposal had been made and accepted by the candidate. There were four such proposal forms and there were four such acceptances by the candidate. The candidate had also deposited the security amount of Rs. 500 as required under section 34 of the Representation of the People Act, 1951. The respondent No. 1 who had come prepared to file the nomination had actually produced the nomination papers along with other documents and delivered them to the Returning Officer at a little earlier than 1.00 P.M. The Returning Officer undoubtedly pointed out the mistake in the oath form and asked the respondent No. 1 to subscribe the oath in the correct form which he made over to him. However, the Returning Officer also returned the nomination forms. The respondent No. 1 took the oath form as also the nomination forms. The nomination forms were left on the table before the Returning Officer. He went to the next room, made and subscribed the necessary oath and then came and filed the oath form as well as the nomination papers. On the presentation of the nomination papers in the first instance the respondent No. 1 would be considered to be nominated.

18. It cannot be said that the nomination enuring to the respondent No. 1 on the delivery of the nomination papers in the first instance was obliterated the moment the nomination papers were returned to him. The nomination process which began by handing over the nomination papers to the Returning Officer subsisted and while taking the oath he could declare himself to be a person who was nominated fill the seat of Chhindwara constituency for the House of people. The Returning Officer's putting the time of presentation of the nomination papers as having been done at 1.15 P.M. would not alter the position to the detriment of the respondent No. 1. There has been a substantial compliance of Article 84(a) of the Constitution. The respondent No. 1 had taken the necessary oath to acquire the qualification under the said Article. The respondent No. 1, in my opinion, had acquired the desired qualification. I, therefore, hold the issue No. 1(a) in the affirmative. The nomination of respondent No. 1 was not wrongly accepted. As regards issue No. 1(b), I hold that the respondent No. 1 had made and subscribed the oath as prescribed by Article 84(a) of the Constitution. The question of the election being materially affected because of the acceptance of the nomination papers does not arise as I have already held that the nomination was properly accepted.

19. Issue No. 2(a) :—A perusal of the allegations contained in paragraph 6 of the petition would reveal that what is sought to be alleged is that the respondent No. 1 obtained

and procured the assistance of Shri U. S. Bajpai, the Regional Commissioner for furthering the prospects of his election. This, it was stated, was done on 13-3-1977 at the Circuit House of Chhindwara. The Commissioner is alleged to have tried to influence one R. K. Gajaria and when he did not accede to the wishes, he was transferred from Amarwada to Chhindwara. It is also stated that the Commissioner tried to influence some Patwaris and excise officers at Chhindwara, so that they may vote for respondent No. 1. The names of these officers have not been given and the allegation mainly centres round the procurement of the services of Shri U. S. Bajpai for the purposes of furthering the election prospects of the respondent No. 1. It is fully established that Shri U. S. Bajpai had visited Chhindwara on 13-3-1977. It is also found proved that Shri Gaurishankar Mishra, respondent No. 1, had visited the Circuit House at Chhindwara in the noon to meet Shri U. S. Bajpai. Gajaria (P.W. 5) who was at that time Sub-Divisional Officer, Sauser and had come to Chhindwara to attend the meeting convened by the Commissioner was called by the Commissioner at the Circuit House. The above facts are fully proved and would be evident from the evidence of Shri J. L. Bose (P.W. 4). Gajaria (P.W. 5) stated that when he met the Commissioner at the Circuit House the respondent No. 1 was sitting in the drawing room at Gaurishankar Mishra, in presence of the Commission, told him that he was not supporting him in the election and threatened that the consequence would be that he would be punished for it. The witness stated that the Commissioner stated to him that he should support the party in power. The petitioner, Pratulchandra Dwivedi, (P.W. 2) deposed that on the 14th evening, he was informed by his workers that the Commissioner had tried to influence Gajaria and that he was also influencing Patwaris and other revenue officers to work for Congress. He drafted a complaint. He had taken the complaint to the election office but since the Returning Officer could not be found he gave the complaint to the Superintendent. He had mentioned in this complaint how Gajaria was tried to be pressurised by the Commissioner at the instance of respondent No. 1. I have to examine the truthfulness of these allegations made against the respondent No. 1 in this issue.

20. Shri J. L. Bose, (P.W. 4), Returning Officer, deposed that there were complaints against Shri Gajaria from both the parties. He also stated that a complaint in writing was made to the Commissioner by Manoharao Pethe and respondent No. 1 to the effect that Gajaria was siding the Janta Party. The Complaint is Ex. P-2. The Commissioner on receiving the complaint had ordered that the services of Gajaria be attached of Chhindwara election office and he be transferred from Amarwada till the election was over. There appears no doubt that the Commissioner was visiting the various districts under him supervising the election work and in the course of such tours he came to Chhindwara on 13-3-1977. In the morning he had called a meeting of the election officers and the Zonal Officers. It is about this time that he had received the complaint from the respondent No. 1 against Gajaria. He had, therefore, asked the respondent No. 1 to see him at the Circuit House and if he wanted any complaint to be made to give the same in writing. Since there was a complaint against Gajaria he had asked the Returning Officer to send Gajaria (P.W. 5) to the Circuit House.

21. The respondent No. 1 along with Manohar Rao Pethe visited the Commissioner in the noon at the Circuit House. A complaint had been written by Manohar Rao Pethe and both had seen the Commissioner. The complaint against Gajaria was handed over to the Commissioner by Manohar Rao Pethe, District Congress President, Chhindwara. It was alleged that the activities of Gajaria were calculated to support the Janta Party. The complaint recited various acts done by Gajaria alleging that they were un-warranted and were done with a notice to rouse feeling of resentment in the citizens against the existing Government so that they may not vote the Congress candidate. It referred to an incident at Ramkona Mela where a large number of persons came and where Shri Gajaria had openly asked the Congress workers to take out their badges. There was an apprehension in the mind of Manohar Rao Pethe that Gajaria was openly siding the Janta Party and working against the interest of Congress Party.

22. It is brought out from the evidence of Returning Officer and the Commissioner that Gajaria was in charge

of Sauser tahsil and the family planning target in this tahsil had far exceeded its quota. There were complaints of high-handedness by the revenue officers in some encroachment cases. It would further appear from the evidence that Gajaria was conducting himself in a manner, by taking a stiff and stern attitude towards the citizens, so that a hostile atmosphere was created against the ruling party. The respondent No. 1 and Manohar Rao Pethe felt that this was indirectly helping the Janta Party and there were instances where he was openly siding the Janta Party. They had, therefore, come with a written complaint before the Commissioner as they had come to know that the Commissioner was visiting Chhindwara. It would further appear clear from the complaint that respondent No. 1 as also Manohar Rao Pethe suggested that Gajaria be removed from the tahsil till the election was over and be attached to Chhindwara office. As regards the allegations that the Commissioner or the respondent No. 1 asked Gajaria to hold him, I am of the opinion that they are wholly false. In the first place, it would be seen that Gajaria does not speak about Manohar Rao Pethe's presence in the Circuit House. The complaint itself would show that it was made by Pethe and handed over to the Commissioner. Secondly, the two persons knowing that the course of conduct of Gajaria had been firmly to support the Janta Party, it would be then foolish to attempt to seek assistance of Gajaria for Congress support. In any case, I do not think that Manohar Rao Pethe or respondent No. 1, knowing that Gajaria was the supporter of Janta Party, would say to the Commissioner that he should side them. We can credit this little intelligence to these persons that such an effort would not only be futile but would seriously expose them even if they had any desire to solicit support of a Government officer.

23. It would then be seen that seeing that there were numerous complaints against him, Gajaria, forestalling some enquiry against him, in order to set up a defence, made wild allegations against the Commissioner. He knew that the Commissioner was going to retire on 31st March 1977. I do not believe Gajaria that either the Commissioner or the respondent No. 1 asked him to help in the election. The conversation was confined to the complaints made against him as is deposited to by the Commissioner, Shri U. S. Bajpai (R.W. 2) and Gargishankar Mishra (R.W. 1). To save his own skin, Gajaria had taken this stand and even if the respondent No. 1 was excited at the attitude of Gajaria in the Rest-House, I do not think the latter could be blamed for it.

24. It is one thing to obtain and procure the help of a Government servant for the purpose of furthering the election prospects and wholly another to make a complaint to the authorities against the misconduct of a subordinate officer who incidentally may be trying to harm them. In my opinion, the candidate was within his rights to ask the Commissioner to prevent such officer from perpetrating a mischief being done in the interest of free and fair election. It could not be said that the assistance of Commissioner was obtained for furthering the chances of election in obtaining the transfer of Gajaria. This could not come within the purview of corrupt practice. This was merely to prevent a mischief. It could not be said that by such an action, the respondent No. 1 obtained help of the Commissioner for furthering the chances of election.

25. The petitioner led evidence of Damodarao (P.W. 8) and Hazarilal (P.W. 13) to establish the Chhindwara incident. Damodarao, at the relevant time, was a Patwari and he stated that he was called at Chhindwara Circuit House. He had gone to the Circuit House. The Commissioner was in the drawing room with respondent No. 1. The Commissioner, seeking to obtain his assistance, told him "KHYAL RAKHANA". Damodarao in his boyhood attended the R. S. S. Shakha. I have held that the respondent No. 1 was with Manohar Rao Pethe. If he had really visited and gone to see the Commissioner, he was bound to see Manohar Rao Pethe in the drawing room and also the Collector. It is difficult to believe that the Commissioner would call him from Parasia only for the purpose of telling him 'KHYAL RAKHANA'. Though the witness says that he was known to the Commissioner from before, this claim by him is somewhat tall. Even Gajaria (P.W. 5), Sub-Divisional Officer, Sauser admitted that he did not know all the Patwaris working under him. Normally, it was not possible for the Commissioner to know the Patwaris working under him. Nothing is shown why he was so intimate with

the Commissioner so that Commissioner would call him. This witness was promoted as a Revenue Inspector when the Janta Party came in power. This witness did not impress me as truthful and I would reject this testimony.

26. The other witness to support the same incident is Hazarilal Sahu (P.W. 13). He stated that he had given a resignation from services but had applied that his resignation be treated as withdrawn. The matter was under consideration of the Government. According to him, he Hazarilal Sahu (P.W. 13). He stated that he had given a met Manoharao Pethe and told him about his resignation and it is at the suggestion of Manoharao Pethe that he came to see respondent No. 1 at the Congress Party office. He then stated that he made an application at the behest of respondent No. 1. Respondent No. 1 told him that he would meet the Commissioner and in the bargain he should extend support in the election. He went to the Circuit House at about 11 A.M. and then again at about 1 P.M. He was standing in the verandah near the curtain of the door and overheard the talk between Gaurishankar Mishra, Gajaria and the Commissioner. He stated that he heard the Commissioner saying to Gajaria that the latter should support the ruling party in the election and Gaurishankar Mishra told Gajaria that he should support the Congress Party otherwise he would get him transferred. When Gajaria replied that he was unable to help any party, Gaurishankar Mishra flared up and abused Gajaria. When Gajaria left the room, the witness was called in the room. Gaurishankar Mishra then recommended to the Commissioner his case and told him that he was his man and should be taken back in the service. The Commissioner expressed that he should help the Congress Party in winning the election and he would take him back in the service. In the evening, he met Pratulchandra Dwivedi and Pratulchandra asked for his help. At this demand, he stated that the Commissioner had asked the Sub-Divisional Officer, the Tahsildar and him to support the Congress Party. He told Pratulchandra Dwivedi that the Commissioner and Gaurishankar Mishra were asking him and others to help the Congress Party. Now, it would appear from the attitude of the witness that he decried the attempt by the Commissioner to seek his help before Pratulchandra Dwivedi. At the same time, he carried favour from him. Such witness has to be accepted with great caution for he was prepared to do anything for serving his self interest. His version is not to be accepted ordinarily.

27. In the drawing room, Manoharao Pethe was also present and for a while, even the Collector was present. It is very doubtful that a Patwari would be permitted to stand near the curtain of the drawing room. A person of the rank of Patwari would not be permitted to sit in the verandah, much less allowed to stand near the door. The whole thing is false. I do not believe that the respondent No. 1 would utter abuse of words 'BYE' and 'SALFY'. It is false that Gaurishankar Mishra alone was in the drawing room with the Commissioner. The statement that the Commissioner was asking all persons present, the Tahsildar and Sub-Divisional Officer to help the Congress Party seems devoid of truth. It is improbable that such things are done so openly. His evidence is against the probabilities and does not bear out with experience. I hold that the two witnesses produced to support the Circuit-House incident at Chhindwara are false and concocted. The allegations have been denied by the Commissioner and I rely on the evidence of U.S. Bajpai (P.W.2) that he had not asked either Gajaria or any of the two Patwaris at Chhindwara Circuit House to work for the Congress Party. U.S. Bajpai has explained the circumstances under which Gajaria was transferred. It was more to neutralise his efforts to help the Janta Party.

28. Leaving Chhindwara on 13th afternoon, the Commissioner went to Amarwada and stopped at the Circuit House. The petitioner alleges that at Amarwada, the Commissioner called Patwaris and P.W.D. officers and asked them to help the respondent No. 1 in election. Mahendra Kumar (P.W. 19), posted as Patwari stated that he was informed by Tahsildar to remain present at the Circuit House. After his arrival, the Commissioner had a wash and come out to sit in the verandah of the Circuit House. He enquired about the trend of election from the Tahsildar. The Commissioner then told the Tahsildar and the Patwaris that they must try to get as many votes as possible for the ruling party. Such instructions given, the Commissioner left Amarwada by car. The witness then goes on to say that he went to a hotel at the

Motor Stand to take tea. He happened to meet another Patwari there. They were talking between themselves when they were interrupted in the conversation by a person present. This man warned them that they should not indulge in election talk.

29. There is a departmental enquiry pending against this Patwari and it is difficult to believe that the Commissioner would, in presence of the Tahsildar, ask them to help the Congress. It does not appear credible that knowing that a departmental enquiry was pending against the Patwari, the Commissioner would ask him to do the election work for Congress Party. The evidence appears to be got up and does not carry any conviction. The Tahsildar has not been examined. The allegations have been denied by the Commissioner.

30. Another witness who deposes about Amarwada incident is Basodilal (P.W. 12). He stated that he found two Patwaris sitting in a hotel at Amarwada and they were talking to each other as to how Government officers were influencing them. Hearing this talk, he came home and made up his mind to inform Pratul Chandra Dwivedi about it. With this end in view, he took a bus to go to Chhindwara. Basodilal stated that he met Hemchand Jain at Harrai. He told Hemchand as to how the Commissioner was influencing the Patwaris to work for Congress. Hemchand replied that he had heard similar reports about the Commissioner asking the Patwaris to work for the Congress. Both Hemchand and Basodilal then went to Chhindwara and saw Pratulchandra Dwivedi at this election office and reported the matter to him. Basodilal is admittedly a Janta Party worker. He was also doing the work of Jana Sangh for the last 13 to 14 years. His meeting with Hemchand appears false. Hemchand could not have come from Harrai after meeting the Commissioner to Amarwada at about 6.30 P.M. The Commissioner, it would be seen, reached Harrai at about 7 P.M. The whole thing appears to be concocted and false. No reliance could be placed on the evidence of Basodilal. He is a Janta Party worker and on his own showing interested in Pratulchandra Dwivedi.

31. The petitioner has also adduced the evidence of Hemchand (P.W. 15) and Rasikbihari Purohit (P.W. 11) to prove that the Commissioner at Harrai instructed them to get as many votes as possible for the Congress candidate. Hemchand (P.W. 15) stated that one Dubey came to him on the 13th March 1977, for making a few purchases from him shop. Hemchand being a Janta Party worker tried to canvass with Dubey the cause of Janta Party. Dubey then told him how the Commissioner had instructed him to work for Congress. On the next day, he took a bus leaving Harrai at about 9 A.M. to go to Chhindwara to meet Shri Pratulchandra. He met Basodilal at Amarwada and the two went to Chhindwara. Hemchand is a member of the Jana Sangh Party and President of the Block of Harrai Jana Sangh Party. He had been in jail with Pratulchandra Dwivedi as Miss detenu. His interest edness in Pratulchandra is apparent.

32. Rasikbihari Purohit (P.W. 11) stated that the Commissioner Shri Bajpai had come to Harrai on 13-3-1977 and reached Harrai at about 7 P.M.. The Commissioner enquired from him about the election trend and thereafter he told him that he must endeavour to get votes of labourers under him in favour of the Congress. From his evidence it would appear that there was no one present at Harrai besides himself. This would appear somewhat strange because even according to this witness the visit of the Commissioner was known to most of the officials. The Commissioner has denied all the allegations made against him of trying to influence the Patwaris and the P.W.D. workers. He stated that he did not have any talk with Hajarilal Sahu or any of the Patwaris nor did he tell them to work for Congress. He denied even meeting Dubey at Harrai. The allegations against the Commissioner are wholly false and I would place reliance on the evidence of the Commissioner. The names of the above witnesses were not disclosed in the petition nor the exact allegations told. It is very easy to bring such witnesses now.

33. The Commissioner, U.S. Bajpai, has explained the circumstances under which Gajaria was attached to the election office of Chhindwara during the time of election. I rely on the evidence of U.S. Bajpai (P.W. 2) and hold that he had not asked Gajaria to help the respondent No. 1 in election. He can also be relied when he stated that he did not attempt to procure the assistance of Patwaris, Excise

and P.W.D. officers and other employees. Some evidence was led to show the interestedness of the Commissioner in the election result of respondent No. 1. It was tried to be shown that the Commissioner made several calls to Chhindwara to know the election results. I do not think this alone can furnish any basis for holding that the Commissioner was interested in any way in respondent No. 1. In the result, I hold that the petitioner has not been able to establish any corrupt practice under section 123(7) of the Representation of the People Act. It has not been established that the Commissioner tried to influence the Patwaris, S.D.O., the Tahsildar, P.W.D. servants or excise officers. This issue is answered in the negative and in favour of the respondent No. 1.

34. Issue No. 2(b).—In the petition, no names of the Patwaris or other officers whom it was alleged the Commissioner tried to influence for doing the election work of respondent No. 1 were mentioned. These allegations are contained in sub-paragraphs (B), (C), (D), (E), (F), (G) and (H) of paragraph 6 of the petition. The allegations broadly indicated how the Commissioner had helped the respondent No. 1. From these allegations, it was sought to be established that the respondent No. 1 had procured and obtained services of U.S. Bajpai for furthering his election prospects. Now, it is the well settled law that the allegations of corrupt practices have to be proved like a criminal charge beyond reasonable doubt. Unless the charges were made known, it would undoubtedly put the respondent No. 1 in a difficult position to rebut them. It was, therefore, necessary that full particulars were given of what U.S. Bajpai had done. The petition does not contain the names of Patwaris and P.W.D. officers alleged to have been influenced by the Commissioner. The corrupt practice alleged is the procurement of the services of Commissioner and not the Patwaris and the P.W.D. officers. Therefore, insofar as the particulars of corrupt practice were concerned, the petition contains such particulars and the petition cannot be thrown on that account. The names of Patwaris were such details which, if given in the petition, would have helped the respondent No. 1 in effectively meeting the charges. I answer the issue in affirmation and hold that the petition could not be dismissed for want of details of corrupt practices.

35. Issue No. 3.—Since there were two other candidates besides the petitioner and the respondent No. 1, the petitioner even if he had succeeded in establishing his case would not be given the relief of declaration that he has been duly elected. However, as already held, this position does not arise at all. The petitioner has not been able to establish that the nomination paper of respondent No. 1 was improperly accepted nor has it been established that the respondent No. 1 is guilty of any corrupt practice.

36. Issue No. 4.—In the result, the petition fails and is dismissed with costs. Costs assessed at Rs. 750. The balance of security amount shall be refunded to the petitioner.

Sd/-

K. K. DUBE, Judge

4-4-1978

[No. 82/MP.L.S./3/77]

New Delhi, the 11th May, 1978

S.O. 1646.—In pursuance of section 111 of the Representation of the People Act, 1951 (43 of 1951), the Election Commission hereby publishes the judgement dated the 2nd January, 1978 of the High Court of Judicature at Madras in Election petition No. 1 of 1977.

IN THE HIGH COURT OF JUDICATURE AT MADRAS
ORIGINAL JURISDICTION

THE HONOURABLE Mr. JUSTICE RAMANUJAM

The Honourable Mr. Justice Ramanujam.

Monday, the 2nd day of January, 1978

Election Petition No. 1 of 1977

And

Application No. 3781 of 1977

M. Ponnusamy Pillay—(Petitioner) Applicant.

Versus

1. B. Devarajan

2. Returning officer, Rasipuram Parliamentary constituency.—(Respondents)—Respondents.

This Election Petition and the Application coming on this day before this Court, for orders, in the presence of Mr. G. Muthukrishnan, Advocate for the Petitioner-Applicant herein and Mr. N. Thiagarajan, Advocate for the first Respondent herein and Mr. C. Chinnaswami for the Government Pleader for the second Respondent herein.

THE COURT DELIVERED THE FOLLOWING JUDGMENT:—

The election petitioner has filed application No. 3781 of 1977 under Section 110 of the Representation of the People Act, 1951 for grant of leave to withdraw the election petition. The application for withdrawal has been served on both the respondents. Notice of withdrawal was ordered to be published in the Official Gazette and the same has been published in the Tamil Nadu Government Gazette dated 14-12-1977. Even though fourteen days have elapsed since the publication of the notice of withdrawal in the Official Gazette, no one has come forward to substitute himself as a petitioner under clause (c) of section 110(3) of the Representation of the People Act 1951. For the reasons set out in the affidavit in support of the application for withdrawal, the leave is granted to the election petitioner to withdraw the election petition as prayed for by him. The election petition is dismissed as withdrawn. A report to the above effect will be sent to the Election Commission as per section 111 of the Act. The petitioner will pay the cost of Rs. 500/- to the first respondent. This amount will come out of the deposit of Rs. 2000/- made at the time of the presentation of the election petition.

Initialled,

RAMANUJAM, J.

2-1-1978.

Certified to be a True Copy
Dated this 17th day of January, 1978.

Sd/-

Second Assistant Registrar,
O.S. High Court, Madras.
[No. 82/TN/1/77]

S.O. 1647.—In pursuance of section 111 of the Representation of the People Act, 1951 (43 of 1951), the Election Commission hereby publishes the judgement dated the 2nd January, 1978 of the High Court of Judicature at Madras in Election Petition No. 4 of 1977.

IN THE HIGH COURT OF JUDICATURE AT MADRAS
ORDINARY ORIGINAL CIVIL JURISDICTION

The Honourable Mr. Justice Ramanujam.

Monday, the 2nd day of January, 1978

Election Petition No. 4 of 1977

And

Application No. 3669 of 1977

A. K. A. Abdul Samad—Petitioner/Applicant.

1. V. Dhandayuthapani
2. V. K. Damodharan
3. S. I. Seshan
4. The Returning Officer, No. 7,

Vellore Parliamentary Constituency and Special Officer, Selection Grade & I Grade Municipalities in North Arcot District Vellore-632001.—Respondents/Respondents

This Election Petition and the Application Coming on this day before this Court for orders, the Court made the following order :—

The Election Petitioner has filed application No. 3669 of 1977 under section 110 of the Representation of the people Act, for grant of leave to withdraw the election petition. The application for withdrawal has been served on the respondents. Notice of withdrawal was ordered to be published in the Official Gazette and the same has been published in the Tamil Nadu Government Gazette dated 7-12-1977. Even

though 14 days have been elapsed, since the publication of the notice of withdrawal in the Official Gazette, no one has come forward to substitute himself as a petitioner under clause (c) of Section 110(3) of the Representation of the People Act. For the reasons set out in the affidavit in support of the application for withdrawals, the leave is granted to the election petitioner to withdraw the election petition as prayed for by him. The election petition is therefore dismissed as withdrawn. A report to the above effect will be sent to the Election Commission as per sec. 111 of the Act.

Respondent No. 1 is the successful candidate whose election is sought to be challenged in the election petition. The fourth respondent is the Returning Officer and he has contested the election petition as allegations have been made in the election petition certain irregularities in the manner of counting the votes. The petitioner will therefore pay the costs of respondents 1 and 4 who are contesting the election petition at Rs. 150/- each. This amount will come out of the deposit already made by the election petitioner at the time of presenting the election petition.

Initialled,
RAMANUJAM, J.
2-1-1978.

Certified to be a true copy
Dated this 17th day of January, 1978.

Sd/
Second Assistant Registrar
O.S., High Court Madras.
[No. 82/TN/4/77]
V. NAGASUBRAMANIAN, Secy.

गृह मंत्रालय

नई दिल्ली, 25 मई, 1978

क्रांति 1648.—केन्द्रीय सरकार, केन्द्रीय शौद्धोगिक सुरक्षा बल प्रधिनियम, 1968 (1968 का 50) की धारा 22 की उपधारा (2) के पद्धति (घ) द्वारा प्रदत्त शक्तियों का प्रयोग कहते हए, केन्द्रीय शौद्धोगिक सुरक्षा बल नियम, 1969 में और संशोधन करने के लिए निम्नलिखित नियम बनाती है, अधृत्.—

1. संक्षिप्त नाम और आरम्भ:—(1) इन नियमों का संक्षिप्त नाम केन्द्रीय शौद्धोगिक सुरक्षा बल (द्वितीय संशोधन) नियम, 1978 है।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रबल होंगे।

2. केन्द्रीय शौद्धोगिक सुरक्षा बल नियम, 1969 में नियम 52 और 53 के स्थान पर निम्नलिखित नियम रखा जाएगा, अधृत्:—

“52. बल के सदस्यों को वर्दी देना

(1) वर्दी का माप कम:—बल में भर्ती हो जाने पर बल के प्रत्येक सदस्य को ऐसे वर्णन की और उतनी वर्दी (अर्थात् वस्त्र तथा अन्य आवश्यक सामान) दी जाएगी जो परिशिष्ट ग से च तक में विनिर्दिष्ट है।

(2) वर्दी का बदला जाना:—वर्दी की प्रत्येक चीज़ जितनी अधिधि तक बल सकेगी वह परिशिष्ट ग से च तक के स्तरम् 3 में विनिर्दिष्ट है।

बल के प्रत्येक सदस्य को दिए गए किट की जांच समय-समय पर कमाण्डेन्ट/सहायक कमाण्डेन्ट द्वारा की जाएगी और ऐसी वस्तुएं, जो आगे उपयोग के लिए ठीक नहीं हैं, कड़म कर देगा और बदलने के लिए भर्ता में भेज देगा। यदि किसी कड़म वस्तु की अधिधि समाप्त हो जुकी है तो उसे मुफ्त में बदल दिया जाएगा। यदि उसकी अधिधि समाप्त नहीं है तो बल के सम्बद्ध सदस्य के बेतन से आनुपातिक कीमत (झूमी में अंकित) काट सी जाएगी, परन्तु यदि वह वस्त्र सामन्य वित्ताई के कारण बेकार हो गई है या सम्बद्ध सदस्य के कसूर के

बिना बो गई है तो कोई कटौती नहीं की जाएगी। बक्सूल की गई रकम सरकारी आसे में बाल दी जाएगी।

(3) कंडम वस्तुओं का विकल्प:—वर्दी की कम्बल वस्तुएं, सेवा के सदस्यों को, महानिरीक्षक, केन्द्रीय शौद्धोगिक सुरक्षा बल द्वारा नियत कीमतों पर बेची जा सकती है, और विकल्प-आगम सरकारी आसे में बाल दिया जाएगा। ऐसी वस्तुओं का, जो बल के सदस्यों द्वारा नहीं खरीदी जाती, उपयोग, जहां तक सम्भव होगा, मरम्मत के काम में या बाह्यन के काम में किया जाएगा।

ऐसी कड़म वस्तुएं, जिनका निपटान उपरोक्त रोति से नहीं किया जा सकता, कमाण्डेन्ट या उसके द्वारा इस प्रयोजन के लिए नाम निर्दिष्ट किसी अन्य राजपत्रित अधिकारी द्वारा सावंजनिक रूप से नीकाम कर दी जाएगी। विकल्प-आगमों को सरकारी आसे में बाल दिया जाएगा।

(4) बल का सदस्य न रह जाने पर वर्दी की वस्तुओं को बापस नेता:—जब बल के किसी सदस्य का सम्बन्ध बल से समाप्त हो जाए तब उसकी किट की जांच की जाएगी और काम की वस्तुएं फिर से स्टाक में शामिल कर ली जाएंगी और बाब में पुनः जारी कर दी जाएंगी। जब इस प्रकार पुनः शामिल कोई वस्तु फिर से जारी की जाती है तो उसकी प्राधिकृत अस्तित्वा अधिधि के प्रत्यंगत वह अधिधि भी सम्मिलित रहेगी जिसके बोरान वह पहले जारी रही है। फिर भी ऐसे अधिकृत का किट, जो किसी संकामक रोग, जैसे तपेदिक आदि, से प्रस्त रहा हो, प्रत्येक मामने में उप-महानिरीक्षक का आदेश लेकर किसी राजपत्रित अधिकारी की उपस्थिति में जला दिया जाएगा।

(5) सेवा निवृत्ति पर वर्दी की चीज़ों को रोके रखना:—बल के किसी सदस्य को अधिवर्धिता पर, या अशक्त हो जाने के कारण, सेवा निवृत्त होने पर, प्रधान सुरक्षा गार्ड के रैंक के कामिकों की वसा में कमाण्डेन्ट द्वारा, और सहायक उप-निरीक्षक के और उससे ऊपर के रैंक के कामिकों की वसा में, उप-महानिरीक्षक के प्रवानुभोदन से, क्रमशः उप-महानिरीक्षक या महानिरीक्षक द्वारा, केवल समारोहों के अवसर पर या सशस्त्र सेना और केन्द्रीय/राज्य पुलिस संगठनों के बरिष्ठ अधिकारियों से मिलने के समय पहलने के हेतु एक सेट रोक रखने दिया जाएगा। यह प्रसुविधा, यथास्थिति, उप-महानिरीक्षक या महानिरीक्षक के आवेदन के अधीन, किसी भी समय लौक हित में, आपस लो जी सकती है।

53. बल के सदस्य द्वारा वर्दी का प्रयोग :

(1) समारोह की पोशाक

बैरेट कैप/पगड़ी जो समुद्री नीमे रंग की होगी और जिसमें समुद्री नीमे रंग का पुच्छक लगा होगा, कमीज़ (खाकी सेलुलर), सॉटी और समुद्री नीमे रंग की डोरी, पतलून (खाकी ड्रिल) कमर बन्द पेटी (खाकी रंग की), टखनेदार कामे बूट, पदक और अलंकरण।

टिप्पण: 1. निरीक्षकों के लिए सिर की पोशाक पीक कैप होगा।

2. सहायक उप-निरीक्षक/उप-निरीक्षक के रैंक के अधिकारी चमड़े की सीम बाउन पेटी और भूरे रंग के टखनेदार बूट पहनेंगे।

3. निरीक्षक भूरे रंग के चमड़े के जूते और सीम-बाउन पेटी पहनेंगे।

(2) काम करने की पोशाक

बैरेट कैप/पगड़ी, कमीज़ (खाकी सेलुलर), पतलून (खाकी ड्रिल), सॉटी और डोरी (खाकी) कमर बन्द पेटी (खाकी रंग), टखनेदार कामे बूट, पदक और अलंकरण।

टिप्पण: 1. निरीक्षक चमड़े की पेटी भूरे चमड़े के जूते दोनों भूरे रंग के पहनेंगे। उनकी सिर की पोशाक पीक-पैप होगी। उप-निरीक्षक और सहायक उप-निरीक्षक भूरे रंग के टखनेदार बूट पहनेंगे।

2. पिस्तौल/रिवाल्वर, सहायक उप-निरीक्षक के रैंक के और उससे ऊपर के रैंक के अधिकारियों की पोषाक के ब्रांग होगे। किन्तु वे उन्हें उसी समय पहनेगे जब उनके द्वारा दी जाने वाली चूटी की प्रकृति वैसी अपेक्षा करें। खोल और अस्त्रों की घैली उसी रंग और सामग्री की बनी होगी जो घैली के हैं।

3. पगड़ी पहनने वाले व्यक्ति, समारोह और काम करने की पोषाक घोनों के साथ पगड़ी पर टोपी में लगने वाला बिल्ला लगाएंगे।

(3) वर्दी की चीजों की विशिष्टियाँ निम्नलिखित विविधेशों की होंगी:—

(क) कमीज—खाकी सेलुलर कमीज, जिसके विनिर्देश निम्नलिखित होंगी:—

(i) सामने की ओर 36.6 सें. मी० खुली होगी और उसमें गरदन के बटन को छोड़कर खाकी रंग के तीन बटन लगे होंगे।

(ii) कन्धे का फोता:—दोनों कन्धों पर एक-एक फीता होगा जिसकी लम्बाई 11.2 सें. मी० और छोड़ाई 2.5 सें. मी० होगी और वह किनारे से गोला होगा।

(iii) दो जेबें, जिनकी माप 13.3×15.9 सें. मी० होगी, जिन पर 14 सें. मी० लम्बे और 5.5 सें. मी० चौड़े जेब-कवर होंगे। प्रत्येक जेब के मध्य में 3.8 सें. मी० खड़ी लेट होगी।

(iv) इकहरे कफ—22.86 सें. मी० लम्बे और 6.4 सें. मी० चौड़े।

(v) आस्तीने पर्याप्त छीली हों जिससे व्यायाम आविष्कार करते समय हाथ आसानी से गतिशील रह सकें।

(ख) पतलून—खाकी ड्रिल जो निम्नलिखित विविधेशों की होंगी:—

(i) 6.4 सें. मी० चौड़ी पेटी जो एक हूँसरे के ऊपर रह सकें।

(ii) बेब्र/चमड़े की पेटी बांधने के लिए 8.9 सें. मी० लम्बे तीन लूप, जिनका आकार सैनिक/पुलिस डंग वा हो।

(iii) दोनों ओर बगल में एक-एक जेब, जिसकी माप 34.3×15.2 सें. मी० होगी। पतलूने नीचे से मुझे हर्दी नहीं होगी और उनकी आकृति पिण्डी से एड़ी तक संगठित होगी। बाटम की माप 40.6 सें. मी० से लेकर 45.7 सें. मी० तक होगी जो बन्दर की ओर 5 सें. मी० घूमा होगा और मर्शीन से सिला होगा।

(ग) खाकी लिंकर

(i) दोनों ओर बगल में जेबे और पतलून की ही तरह तीन लूप।

(ii) बाटम 7.6 सें. से लेकर 8.9 सें. होगा जो बन्दर की ओर 5 सें. मी० चौड़ा मुड़ा होगा और मर्शीन से सिला होगा।

(घ) पेटी कम्बर-बन्द—खाकी रंग की होगी।

(ङ) पिस्तौल/रिवाल्वर की खोल आदि—खोल तथा अस्त्रों की घैली घोनों भूरे चमड़े या खाकी कपड़े की होंगी।

(च) बेरा केन:—खाकी ऊन से बुने एक ही टुकड़े की बैरेट जिसमें काले रंग की साठन का अस्तर लगा होगा और क्रोम-टैन के काले चमड़े की पट्टी सबसे नीचे के किनारे से जुड़ी होगी।

(ममय-समय पर संशोधित विविधेश प्राई० एस० 5085)

(छ) पीक कैप:—खाकी विनिर्देश जो नियम 54-के उपनियम (4) के अधीन मद (XV) में विए गए हैं।

(5) रैंक सूचक बिल्ला:—कन्धे पर लगने वाला बिल्ला निम्नानुसार होगा—

एक सफेद धातु का बिल्ला जिस पर 1.27 सें. मी० भोटे अक्षर “कै०प्रौ०सु०ब०” होंगे और जो कन्धे की पट्टियों के बेस पर पहना जाएगा।

रैंक

बिल्ले

(क) निरीक्षक धातु के बिल्ले “कै०प्रौ०सु०ब०” के ऊपर लगे तीन सितारे और रेखमी फीते की पट्टी (लाल और नीली)

(ख) उप-निरीक्षक दो सितारे और यथोक्त-

(ग) सहायक उप-निरीक्षक एक सितारा और यथोक्त-

(घ) प्रधान सुरक्षा गार्ड कमीज/जरमी की बाईं आसीन पर खाकी सेलुलर कपड़े पर तीन सफेद पेवरान फीतियाँ और कन्धे की पट्टियों पर “कै०प्रौ०सु०ब०” वाले सफेद धातु के बिल्ले।

(ङ) ज्येष्ठ सुरक्षा गार्ड कमीज/जरमी की बाईं आसीन पर खाकी सेलुलर कपड़े पर दो सफेद पेवरान फीतियाँ और कन्धे की पट्टियों पर “कै०प्रौ०सु०ब०” वाले सफेद धातु के बिल्ले।

(च) सुरक्षा गार्ड और अनुचर कन्धे की पट्टियों पर “कै०प्रौ०सु०ब०” वाले सफेद धातु के बिल्ले।

टिप्पणी:—यदि केन्द्रीय सरकार द्वारा इस प्रकार निवेश दिया जाय तो, सम्पूर्ण भारत में या उसको किंगी भाग में प्रयोग के लिए कन्धे के बिल्ले पर या वर्दी के किसी भाग पर “कै०प्रौ०सु०ब०” प्रशंसरों का देवनामरी में उपयोग किया जा सकता है।

3. उक्त नियमों में, नियम 54 के पश्चात् निम्नलिखित अन्तःस्थापित किया जाएगा, अर्थात्:—

“54-क—पर्यंतेशक अधिकारियों द्वारा वर्दी का उपयोग

(1) कै०प्रौ०सु०ब० में प्रतिनियुक्ति पर लिए गए भारतीय पुलिस सेवा के अधिकारी वर्दी और रैंक सूचक बिल्ले पहनने के बीच भारतीय पुलिस सेवा में हकावार है। किन्तु उनकी समारोही या काम करने की पोषाक किरी भी एक अवसर पर उरी प्रकार की होगी जो उन अधिकारियों के लिए विहित है जो भारतीय पुलिस सेवा के अधिकारी नहीं हैं। भारतीय पुलिस सेवा से भिन्न अधिकारियों की बाबत निम्नलिखित विविधेश विहित है।

(2) समारोह की पोषाक

टाइप (क)—पीक कैप, जाकेट (गवर्डिन या ड्रिल), सीटी और डोरी, जिस कपड़े की जाकेट बनी है उसी कपड़े की पतलून, भूरे वूट/जूते, खाकी कमीज, नीली टाई, खाकी जुराब, सैमाइडन ऐटी (आउन), और तलवार, पवक और प्रलकरण।

टाइप (ख)—पीक कैप, कमीज, पतलून (खाकी ड्रिल या सूती डेरीन या खाकी सूती गवर्डिन), खाकी जुराब, जूते और सैम आउन ऐटी (आउन), और तलवार, सीटी, डोरी, रिवन, पवक और प्रलकरण। टिप्पणी:—किसी भी प्रवरान पर पहनी जाने वाली समारोह की पोषाक की किसी सम्बद्ध उप-महानिरीक्षक द्वारा विहित की जा सकेगी।

(3) काम करने की पोशाक

दाइप (1)—पीक फैप, जाकेट, जिस कपड़े की जाकेट बनी है उसी कपड़े की पतलून (गवर्डिन या ब्रिल या खाकी सूती गवर्डिन), सीटी और ओरी, जूते/टखनेदार बूट, खाकी जुरविं, खाकी कमीज, नीली टाई, जिस कपड़े की जाकेट बनी है उसी कपड़े की पेटी या सैम-ब्राउन पेटी (ब्राउन) और रिवन।

दाइप (2)—पीक/ब्रिरेट फैप, कपड़े की पेटी खाली बुशट, पतलून' जुरविं और जूते/टखनेदार बूट, सीटी, डोरी और रिवन।

दाइप (3)—पीक/ब्रिरेट कप, कमीज (जरसी के साथ या उसके बिना) चमड़े की पेटी या बैब ऐटी खाकी, पतलून, जुरविं, जूते/टखनेदार बूट, सीटी, डोरी और रिवन।

दाइप (4)—पीक/ब्रिरेट फैप, कमीज (जरसी के साथ या उसके बिना) ब्राउन चमड़े की पेटी या बैब ऐटी खाकी, पतलून, जुरविं और जूते/टखनेदार बूट/जंगल बूट।

टिप्पण 1. पहनने वाली काम करने की पोशाक सम्बद्ध उप-महानिरीक्षक द्वारा विविधत की जा सकती।

2. रिवाल्वर/पिस्तौल पर्वतेशक अधिकारियों की काम करने की पोशाक का भाग होती। किन्तु वे उसको अपने साथ तभी से जाएंगे जब कर्तव्यों की प्रकृति को देखते हुए ऐसा करना अपेक्षित हो। खोल और भस्त्र की भैंसी का रंग और सामग्री पेटी जैसी होती।

(4) बर्दी की भींगों का विवरण निम्नानुसार होगा:—

(i) जाकेट—खाकी ब्रिल/गवर्डिन, सूती या सूती टैरीत की (गर्भी के मौसम में) और खाकी ऊनी गवर्डिन (सर्दी के मौसम में) सिंगल ब्रेस्ट वाली जो कमर तक लाऊंज कोट के रूप में कटी होती और सीने और कर्घ्यों पर बुरुत खींची किन्तु कमर पर चुस्त होती, और उसका निकला भाग मिलिट्री स्कर्ट की तरह होगा और कमर के दोनों ही ओर खादी के मुख्यमयों वाला हुक होगा।

लम्बाई उतनी ही जितनी साधारण सिविलियन लाऊंज कोट की होती है अर्थात् उतनी कि नितम्ब उके रहें। कालर वैसे ही कटे होंगे जैसे साधारण सिविलियन लाऊंज कोट में कटे होते हैं। ऊपर कास पथ वाली दो छप जेबें, जो 16.6 सें. मी० और फ्लैप के शीर्ष तक 19.0 सें. मी० ऊनी होती और जिसमें बीच में 5.8 सें. मी० प्लेट-दार, जेब होती जिसमें ऊपर की ओर के०मी०सु०ब० पैटर्न का छोटा बटन लगा होगा। जेबों को ढकने के लिए 16.6 सें. मी० और 5.8 सें. मी० नीचा पर्सीप होगा जिसमें बटन के लिए एक काज होगा। कमर के नीचे दो धैलेवार जेबें होती (जिनके दोनों तरफ लेटे लगी होती) जो ऊपर की ओर 23.5 सें. मी० और नीचे की ओर 26.7 सें. मी० जौड़ी होती है तथा जो जेब के शीर्ष तक 20.32 सें. मी० ऊनी होती, जिनके सिरे पर के०मी०सु०ब० सेवा पैटर्न का छोटा बटन लगा होगा। इन जेबों को ढकने के लिए 27.3 सें. मी० जौड़ा और 8.9 सें. मी० नीचा एक-एक फ्लैप होगा जिसमें बटन के लिए एक-एक काज होगा। जेब का ऊपरी सिरा कोनों से इस प्रकार ढका होगा कि आवश्यकता पड़ने पर जेब को ऊपरी सिरे पर भी फैलाया जा सके। सामने की ओर मध्य आकार के बार के०मी०सु०ब० पैटर्न के बटन नीचे तक लगे होंगे। बटन हस प्रकार लगाए जाएंगे कि सबसे नीचे का बटन नाभि ढक ले और सबसे ऊपर का बटन नाभि और टाई गाँठ की स्थिति से एकत्रित हुआ हो। नुकीले कफ, नोक पर 12.7 सें. मी० ऊने और पीछे की ओर 6.35 सें. मी० होंगे। कर्घ्यों के कोरे उसी कपड़े के होंगे जितका वस्त्र बना हो और उस पर

के०मी०सु०ब० पैटर्न का छोटा बटन लगा होगा। जाकेट मुलायम या भढ़ कड़े कालर के साथ और कमीज गहरी नीली नाविक गाँठ वाली टाई के साथ पहनी जाएगी।

(ii) कमीज—खाकी, सूती, सेलुलर या ट्वील, सूती-ट्रीन या अंगोला की हो जिसमें खाकी रंग के हड्डी के बटन सागे हों, और जाकेट के पैटर्न की दो वक्त जेबें हों। जाकेट के नीचे पहनने के लिए भी सभी कमीजें खाकी पपलीन की होती जाहिए।

(iii) बुशट—बुशट का पैटर्न, निम्नलिखित उपात्तणों सहित, जाकेट जैसा होगा—

(क) ऊपर तक के बटनों वाला कालर—पीछे जौड़ाई में 3.81 सें. मी० और नोकों पर 6.35 सें. मी० से 7.62 सें. मी० तक।

(ख) आस्तीनें कमीज के जैसी, 5.72 सें. मी० जौड़े इकहरे कफ की ओर एक बटन वाली होंगी।

टिप्पण:—प्रीष्ठ ऊपर के लिए, आस्तीनों को या तो ऊपर छका लिया जाएगा या धाधी आस्तीनें पहनी जाएंगी।

(ग) कालर—बटन को छोड़कर बार बटन होंगे, सबसे ऊपर का बटन कालर बटन से 10.16 सें. मी० नीचे होगा और शेष बटन समान दूरी पर रहेंगे।

(घ) खांडी की मदाई धाले बकल सहित 5.08 सें. मी० जौड़ी पेटी उसी सामग्री से बनाई जाएगी जिसकी कि बुशट है (खाकी ब्रिल या खाकी टिक्कल या खाकी सेलुलर सूती ट्रीन या खाकी सूती गवर्डिन)।

(इ) सभी बटन हड्डी के होंगे।

(ख) बुशट के साथ कोई टाई नहीं पहनी जाएगी।

(iv) पतलून (स्लैक्स) —जाकेट से मिलते जूलते खाकी ब्रिल/गवर्डिन, सूती टैरीत या खाकी गवर्डिन ऊनी टैरीत के होंगे, उसकी मोहरी ऊपर मुड़ी हुई नहीं होती और वह पिछली से एड़ी तक सु-आकार में होंगे। मोहरी का घरा 40.46 सें. मी० से 45.72 सें. मी० तक का होगा।

(v) टखनेदार बूट—पंजों की सावी टोपियों वाले और नी जोड़ी छेदों वाले भूरे रंग के टखनेदार बूट।

(vi) जूते—पंजों की सावी टोपियों वाले और पांच जोड़ी छेदों वाले सादे भूरे अमड़े के आकस्फोड़ जूते।

(vii) पेटिया—भूरी अमड़े की पेटी जिस पर के०मी०सु०ब० की मोनोग्राम युक्त स्टील की प्लेट लगी होगी और वह निम्नलिखित विनिर्देशों वाली होगी।

सामग्री:—चमड़ा भैंस—सज्जा का और बनस्पति से कमाया हुआ (टैन किया हुआ)। पेटी, बुरबरेपन, आस-कटान के दोषों से मुक्त, मास खाली और भली-भाति चिक्कण की हुई और उचित तौर पर सैट की हुई।

आकार की लम्बाई:—121.92 सें. मी० (पृष्ठ-पृष्ठ नामों के अनुसार फैस्फार किया जा सकता है)। जौड़ाई 5.5 सें. मी०, मोटाई 3.5 से 4.5 सें. मी०।

लम्बाई 11.5 सें. मी०: जौड़ाई 5.5 सें. मी०। उसके मुख को बक्कल-प्लेट की खाएं और के स्थिर लूप के साथ सिल दिया जाएगा। स्थिर लूप जौड़ाई में 1.6 सें. मी० होता जाहिए और पेटी के मुड़े खाएं सिरे के साथ हाथ से जें० पी० कोट० सं० 2 के भूरे धागे से सिलाला हुआ होता जाहिए।

चमड़े का लूप :—उपर्युक्त स्थिर लूप के अन्तरिक्ष 1.6 सें. मी० भौद्धी के दो चमड़े के लूप होने वहिए जो 4.3 सें. मी० भाग पर एक दूसरे के ऊपर आकर जै. ०.३० फीट सं. २ के भूरे धारे से हाथ से सिले हुए हैं। ये दो बकल मुक्त रूप से गतिशील होने वाहिए।

(viii) पिस्टॉल/रिवलर छोल—छोल और गोलियों को खेली भूरे चमड़े या खाकी बेब के होंगे।

(ix) तलवार—सफेद धातु की आधी बास्कट मुठिया वाली इन्फैन्ट्री पैटर्न की, जिस पर “कै०झ०सु०ब०” अंकित होगा, सिवाय तब के जब कि भारतीय पुलिस/भारतीय पुलिस सेवा अधिकारियों की वशा में “भा०प०/भा०प०से०” अंकित होगा; तथा सेना अधिकारी स्वयं अपनी तलवार पहन सकते हैं।

(x) तलवार नाट—सिट्टे सहित भूरे चमड़े की।

(xi) म्यान—भूरे चमड़े की, इन्फैन्ट्री नमूने की।

(xii) सीटी—पुलिस पैटर्न की, जो गहरी नीली, गुलाई में बंटी हुई ढोरी में लगा कर पहनी जाएगी और बाई बक्स-जेब में रखी जाएगी।

(xiii) रैक सूचक बिल्ले—कन्धे के बिल्ले निम्नानुसार होंगे:—
सफेद धातु का बिल्ला, जिस पर 1.27 सें. मी० के भोटे अक्षरों में “कै०झ०सु०ब०” अक्षर बने होंगे, कन्धे की पट्टी के बेस पर लगाया जाएगा। रैक सूचक बिल्ले निम्नानुसार होंगे:—

रैक

बिल्ले

(क) कमाण्डेन्ट और समतुल्य रैक के राज्य संप्रतीक और एक सितारा अधिकारी

(ख) सहायक कमाण्डेन्ट और समतुल्य तीन सितारे रैक के अधिकारी

दिव्यन :—सितारा “भारतीय सितारे” के पैटर्न का होगा।

(xiv) बटन :—प्राकृत धातु के, प्राकृति में उत्तम, उप्पाकृति, दो आकारों में विभक्त “कै०झ०सु०ब०” से समशृंखला बटनों पर उपयोग के लिए “कै०झ०सु०ब०” युक्ति में, “कै०झ०सु०ब०” अक्षरों का एक मोनोग्राम होगा जो अशोक चक्र द्वारा आच्छादित होगा।

कै०झ०सु०ब० के कार्यकों के लिए वस्त्र और उपस्कर का मापक्रम—सामान्य मद्देन्द्रिय

क्रम संख्या	बस्तु का नाम	लेकाएक	उपयोगिता की अवधि	निरीक्षक	उप-निरीक्षक/ सहायक	प्रधान सुरक्षा गारद	ज्येष्ठ सुरक्षा गारद	सुरक्षा गारद	चालक	अनुच्छर
1	2	2-क	3	4	5	6	7	8	9	10
1.	एक्सेट बैब	. जोड़ी	3 वर्ष	1	1	1	1	1	—	—
2.	एप्रन माझरी (रसोइयों के लिए)	. संख्या	1 वर्ष	—	—	—	—	—	—	2
3.	टोपी/पगड़ी के बैब	. संख्या	10 वर्ष	1	1	1	1	1	1	1
4.	फिट बैग	. संख्या	7 वर्ष	1	1	1	1	1	1	1
5.	सीम ब्राउन कमर-पेटी	संख्या	10 वर्ष	1	1	—	—	—	—	—
5(क)	चमड़े की कमर-पेटी (भूरी)	. संख्या	10 वर्ष	1	—	—	—	—	—	—
6.	बेरा टोपी खाकी	. संख्या	1 वर्ष	1	1	1	1	1	1	1
			(2 वर्ष में)							
7.	कम्बल	. संख्या	5 वर्ष	1	1	1	1	1	1	1
8.	काले टखनेदार बूट	. जोड़ी	1 1/2 वर्ष	—	—	1	1	1	—	—

परिशिष्ट “ग”

(xv) सिर की पोशाक:—सिख अधिकारियों के सिवाए, जो खाकी पगड़ी जिस पर कैप बिल्ला लगा होगा, पहन सकेंगे, सिर की पोशाक निम्नलिखित प्रकार की खाकी पीक कैप या खाकी बैरेट कैप होगी:—

पीक कैप:—खाकी गर्डिन (रंग स्विनसे बिगान सं. १) या बराथिया या कुल गहराई 11. ५ सें. मी०, 55.५ सें. मी० परिशि में किट बैठने वाली टोपी के लिए ऊपर आरन्पार का व्यास 35 सें. मी० होगा, पूर्ववर्णित नामक से सिर का आकार अधिक या कम होने की दशा में शीर्ष भाग का व्यास, सिर के आकार से टोपी के प्रति 0.६४ सें. मी० अधिक या कम होने पर 0.३२ सें. मी० अधिक या कम हो जाएगा किनारे चार टुकड़ों में बनाए जाएंगे और टोपी की पट्टियों के धीन 5.४ सें. मी० गहरे होंगे।

बैरेट कैप:—भूरे रंग के चमड़े के रूप से लगे हुए राज्य संप्रतीक द्वारा आच्छादित, मध्य में सीधा बड़ा “कै०झ०सु०ब०” अक्षरों सहित सफेद धातु का होगा।

बैरेट बैप:—काले रंग के साटन के कपड़े के अस्तर सहित बुनी हुई एक-पीस खाकी ऊनी बैरेट और निचले सिरे के साथ लगी हुई काले रंग की ओम चर्चोधारित बंधाई।

टोपी का बिल्ला जो राज्य संप्रतीक द्वारा आच्छादित “कै०झ०सु०ब०” अक्षरों सहित सफेद धातु का होगा सामने के भाग पर मध्य में सीधा बड़ा लगाया जाएगा।

टिप्पण :—राज्य संप्रतीक, समय-समय पर यथा संशोधित, गृह मंत्रालय के पत्र सं. 15/14/76 जी०पी० ए-२, तारीख 17-3-1976 में यथा विहित रूप में होगा।

(i) जुराब:—खाकी यूटी या ऊवी या मर्सराइज़।

(ii) लम्बे मोजे:—खाकी ऊनी।

टिप्पण :—केन्द्रीय सरकार द्वारा जब बैसा निर्दिष्ट किया जाए तब, कन्धे के बिल्ले या वर्षी के किसी अन्य भाग पर, “कै०झ०सु०ब०” युक्ति में, समस्त भारत या उसके किसी भाग में उपयोग के लिए, देवनागरी में “कै०झ०सु०ब०” अक्षर होंगे।

(5) महानिरीक्षक, केन्द्रीय सरकार के पूर्व अनुमोदन से, किसी पर्यावरणी अधिकारी को सेवा-निवृति के पश्चात् समारोह के अवसरों और समस्त राज्य समय-समय पर यथा संशोधित, गृह मंत्रालय के पत्र सं. 15/14/76 जी०पी० ए-२, तारीख 17-3-1976 में यथा विहित रूप में होने की अनुशासा दे सकेगा।

1	2	3वर्ष	4	5	6	7	8	9	10
8(क) भूरे टब्बनेदार बूट .	जोड़ी	1 1/2 वर्ष	1	1	—	—	—	—	—
(2 वर्ष में)									
9. जंगल बूट .	जोड़ी	1 वर्ष	1	1	1	1	1	—	—
10. काली बूट पालिश 40 ग्राम टिन .	संख्या	1 वर्ष	—	—	12	12	12	6	3
10(क) भूरी बूट पालिश 40 ग्राम टिन .	संख्या	1 वर्ष	12	12	—	—	—	—	—
11. धातु पालिश 250 एम० एल० टिन .	संख्या	1 वर्ष	1	1	1	1	1	1	1
12. बूट सूश .	संख्या	1 वर्ष	1	1	1	1	1	1	1
13. माजरी टौपी (रसोइया के लिए) .	संख्या	1 वर्ष	—	—	—	—	—	—	2
14. चप्पले (अनुचरों के लिए) .	जोड़ी	1 वर्ष	—	—	—	—	—	—	1
15. दो शेवरान फीतियां .	संख्या	1 वर्ष	—	—	—	1	—	—	—
16. तीन शेवरान फीतियां	संख्या	1 वर्ष	—	—	1	—	—	—	—
17. ग्राउण्ड शीट .	संख्या	7 वर्ष	1	1	1	1	1	1	1
18. हेल्पेट स्टील/लास	संख्या	7 वर्ष	1	1	1	1	1	—	—
(यूनिट उपस्कर के रूप में अनुचरों को छोड़कर यूनिट की नफरी का 50%)									
19. होस टाप्स .	जोड़ी	1/2 वर्ष	1	1	1	1	1	1	1
(प्रारम्भ में केवल रंगरूटों के लिए)									
20. जंगल टोप .	संख्या	1/2 वर्ष	1	1	1	1	1	1	1
(प्रारम्भ में केवल रंगरूटों के लिए)									
21. जरसी ऊनी आकी .	संख्या	3 वर्ष	1	1	1	1	1	1	1
22. सीटी की खाकी डोरी संख्या		2 वर्ष	1	1	1	1	1	1	1
23. छोटी लाठी .	संख्या	5 वर्ष	—	—	1	1	1	—	—
23(क) लम्बी लाठी .	संख्या	5 वर्ष	—	—	1	1	1	—	—
(यूनिट उपस्कर के रूप में अनुचरों को छोड़कर यूनिट की नफरी का 33 1/3%)									
24. पिस्तौल की खाकी डोरी .	संख्या	5 वर्ष	1	1	—	—	—	—	—
(यूनिट द्वारा रखे गए रिकालबरों की संख्या के बराबर यूनिट उपस्कर)									
25. एक में ही जुड़ी हुई पतलून व कमीज (डांगरी) .	संख्या	2 वर्ष	—	—	—	—	—	2	—
(इस भद्र को भास्त्रसाज, बढ़ी, पेंटर और अग्निशामक कार्मिकों पादि जैसे दस्तकारों को भी दो वर्ष में संख्या प्रति व्यक्ति के मापक्रम से देने के लिए प्राधिकृत किया जाता है)									
26. मछलदानी .	संख्या	5 वर्ष	1	1	1	1	1	1	1
27. आकी पगड़ी (केवल सिक्कों के लिए) .	संख्या	1 वर्ष	2	2	2	2	2	2	2
(लम्बाई 5.5 मीटर)									
28. लाल पग (केवल सिक्कों के लिए) .	संख्या	2 वर्ष	2	2	2	2	2	2	2
(लम्बाई 2.5 मीटर)									
29. पीक कंप .	संख्या	3 वर्ष	1	—	—	—	—	—	—
30. रेसमी फीता (10 सें. मी.) (लाल) प्रौर नीला) .	संख्या	1 वर्ष	12	8	—	—	—	—	—

परिशिष्ट "१"

समारोह की पोशाक

क्रम संख्या	बस्तु का नाम	लेखा एकाक	उपयोगिता की प्रवृत्ति	निरीक्षक	उप-निरीक्षक/ सहायक	प्रधान सुरक्षा गारद	ज्येष्ठ सुरक्षा गारद	सुरक्षा गारद	चालक	प्रनुभर
1	2	2-क	3	4	5	6	7	8	9	10
1.	समुद्री नीले रंग की बेरा कैप (गैर-सिक्कों के लिए)	संख्या	5 वर्ष	—	1	1	1	1	1	—
2.	समुद्री नीले रंग की पगड़ी (सिक्कों के लिए)	संख्या	5 वर्ष	1	1	1	1	1	1	—
3.	समुद्री नीले रंग की छोटी संख्या	5 वर्ष	1	1	1	1	1	1	1	—
4.	समुद्री नीले रंग का पुष्टक	संख्या	5 वर्ष	1	1	1	1	1	1	—
(यूनिट उपस्कर के रूप में दी जाए, अस्थितिगत आधार पर नहीं)										

परिशिष्ट "२"

तर्हियों के लिए बस्तुओं की अतिरिक्त मात्रे

क्रम संख्या	बस्तु का नाम	लेखा एकाक	उपयोगिता की प्रवृत्ति	निरीक्षक	उप-निरीक्षक/ सहायक	प्रधान सुरक्षा गारद	ज्येष्ठ सुरक्षा गारद	चालक	प्रनुभर	
1	2	2-क	3	4	5	6	8	8	9	10
1.	कम्बल	संख्या	5 वर्ष	1	1	1	1	1	1	1
2.	बड़ा कोट	संख्या	7 वर्ष	1	1	1	1	1	1	1
3.	झंगोला कमीज़	संख्या	3 वर्ष	1	1	1	1	1	1	1
4.	ऊनी पलातून	संख्या	4 वर्ष	1	1	1	1	1	1	1

टिप्पण :—केवल उन यूनिटों को सर्दी के बस्त देने के लिए प्राधिकृत किया जाता है जो भारत के नक्षे पर 20 डिग्री लाइन के उत्तर अथवा ऊपर स्थित हैं प्रथम वे यूनिटें जो 20 डिग्री लाइन से नीचे, किस्तु 3,000 फीट से अधिक ऊंचाई पर स्थित हैं।

परिशिष्ट "३"

विए जाने वाले अतिरिक्त वस्त्र

क्रम संख्या	बस्तु का नाम	लेखा एकाक	उपयोगिता की प्रवृत्ति	निरीक्षक	उप-निरीक्षक/ सहायक	प्रधान सुरक्षा गारद	ज्येष्ठ सुरक्षा गारद	चालक	प्रनुभर	
1	2	2-क	3	4	5	6	7	8	9	10
1.	ऊनी बनियान	संख्या	4 वर्ष	2	2	2	2	2	2	2
2.	ऊनी जापिया	संख्या	3 वर्ष	2	2	2	2	2	2	2
3.	कैप कम्फर्टर	संख्या	3 वर्ष	1	1	1	1	1	1	1
4.	ऊनी/अमड़े के वस्ताने	जोड़ी	6/7 वर्ष	1	1	1	1	1	1	1
5.	कम्बल	संख्या	5 वर्ष	2	2	2	2	2	2	2
6.	परखा कोट	संख्या	6 वर्ष	1	1	1	1	1	1	1

टिप्पण :—उन यूनिटों को उनसे प्रातिरिक्त वस्त देने के लिए प्राधिकृत किया जाता है जो यूनिटें 5,000 फीट से अधिक ऊंचाई प्रथम अर्फाल सेक्सों में स्थित हैं। फिलहाल इन मर्दों का देना केवल एच०एम०टी० ट्रक्सी श्रीनगर (जम्मू और कश्मीर) तक ही सीमित है।

[स० वी० भार०-13011/2/73-एल एल एल भार/कार्मिक I]

सी० एस० चूड़ा, उप सचिव

MINISTRY OF HOME AFFAIRS

New Delhi, the 25th May, 1978

S.O. 1648.—In exercise of the powers conferred by Clause (d) of sub-section (2) of Section 22 of the Central Industrial Security Force Act, 1968 (50 of 1968), the Central Government hereby makes the following rules further to amend the Central Industrial Security Force Rules, 1969, namely :—

1. Short title and commencement.—(1) These rules may be called the Central Industrial Security Force (Second Amendment) Rules, 1978.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Central Industrial Security Force Rules, 1969, for rules 52 and 53, the following rules shall be substituted, namely :—

“52. Issue of uniforms to members of the Force :—

(1) Scale of Uniform.—On enlistment to the Force, each member of the Force shall be furnished uniform (i.e. clothing and other necessary articles) of such description and in such quantity as specified in Appendices C to F.

(2) Replacement of Uniform.—The life of each item of Uniform shall be as specified in column 3 of Appendices C to F.

Periodical inspections of kit issued to each member of the Force shall be held by the Commandants/Assistant Commandants and articles which are no longer fit for use may be condemned and sent to Store for replacement. If the life of a condemned article has expired, it shall be replaced free. If its life has not expired, proportionate cost (listed) shall be deducted from the members of the Force concerned, provided that no deduction may be made, if the article has been rendered unserviceable, owing to fair wear and tear or has been lost through no fault of the member concerned. The amount realised shall be credited to Government.

(3) Sale of condemned articles.—The condemned articles of Uniform may be sold to the members of the Force at the price fixed by the Inspector General, Central Industrial Security Force, and the sale proceeds credited to Government. Such of the articles which are not purchased by the members of the Force, shall be utilised, where possible, for repair work, dusters etc.

Such condemned articles which cannot be disposed of, as above, shall be auctioned publically either by the Commandant or by any Gazetted Officer nominated by him for the purpose. The sale proceeds shall be credited to Government.

(4) Resuming of uniform articles on ceasing to be a member of the Force.—When a member of the Force ceases to belong to the Force, his kit shall be examined and serviceable articles brought on to the resumed stock and subsequently re-issued. When any such resumed article is re-issued, its authorised life period shall include the period for which such article has remained issued earlier.

However, the kit of a person, who was suffering from contagious disease such as T.B. etc. shall be destroyed by burning in the presence of a Gazetted Officer after obtaining the orders of Deputy Inspector General, in each case.

(5) Retention of Uniform articles on retirement.—A member of the Force on his retirement on superannuation or invalidation may be allowed by the Commandant in the case of personnel up to the rank of Head Security Guard and by the Deputy Inspector General in case of personnel of and above the rank of Assistant sub-Inspector, with the

prior approval of the Deputy Inspector General or Inspector General respectively, to retain one set to be worn only on ceremonial occasions or at the time of formally calling upon Superior Officers of Armed Forces and Central/State Police Organisations. This facility may be withdrawn at any time, in the public interest, under the orders of Deputy Inspector General/Inspector General as the case may be.

53. Use of the Uniform by the members of the Force :—

(1) Ceremonial Dress.—Beret Cap/Pagree sea blue with Plume sea blue, Shirt (Khaki Cellular), whistle and lanyard sea blue, Trouser (Khaki Drill) belt waist web (Khaki Colour), boots ankle Black, medals and decorations.

Note :—

1. The Head Gear for Inspectors shall be Peak Cap.

2. Officers of the rank of Assistant Sub-Inspector/Sub-Inspectors shall wear Leather Sam-browne Belt and boots ankle of brown colour.

3. Inspectors shall wear leather shoes and same brown-belt both of brown colour.

(2) Working Dress.—Beret Cap/Pagree, Shirt (Khaki Cellular), Trouser (Khaki Drill), Whistle and Lanyard (Khaki), belt waist web (Khaki Colour), boot ankle black, medals and decorations.

Note :—

1. Inspectors shall wear leather Belt and leather shoes both of brown colour. Their head-gear shall be Peak-cap. Sub-Inspectors and Assistant Sub-Inspectors shall wear boots ankle of brown colour.

2. Pistol/Revolver shall be part of working dress for officers of and above the rank of Assistant Sub-Inspector. However, they shall carry it only if the nature of duties to be performed so requires. Holster and ammunition pouch shall be of the same colour and material as that of belt.

3. Those wearing Pagree shall mount cap badge thereon both with Ceremonial and working dress.

(3) The items of uniform shall have the following specifications :—

(2) Shirt—Shirt khaki cellular with the following specifications :—

(i) The front opening should be 36.6 Cms. with 3 khaki coloured buttons excluding the neck button.

(ii) Shoulder flap—One on each shoulder, with length 11.2 Cms. and width 2.5 Cms. rounded at the end.

(iii) Two pockets measuring 13.3x15.9 Cms. with pocket covers 14 Cms. long and 5.5 Cms. wide. Each pocket will have 3.8 Cms. wide pleat in the centre longitudinally.

(iv) Single cuff—22.86 Cms. long and 6.4 Cms. wide.

(v) Sleeves should be sufficiently loose to allow free movement of arms while doing drill etc.

(b) Trousers :—Khaki drill with the following specifications :—

(i) Belt 6.4 Cms. in width overlapping.

(ii) Three loops 8.9 Cms. in length and the shape according to the Army/Police pattern, for wearing of web/leather belts.

(iii) Two side pockets on either side measuring 34.3x15.2 Cms. Trouser to be without turn-ups and shaped from in-step to heels—the bottom to measure 40.6 Cms. to 45.7 Cms. with 5 Cms.—turned inside and stitched with machine.

(c) Shorts Khaki Drill.

- (i) Two side pockets on either side and three loops as for trouser.
- (ii) The bottom to be 78 Cms. to 89 Cms. with a folding of 5 Cms. in width stitched with machine.

(d) Belt Waist Web—Shall be of khaki colour.

(e) Pistol/Revolver Holster etc.—Holster and ammunition Pouches, both shall be brown leather or khaki web.

(f) Beret Cap—Knitted one piece khaki woollen beret with lining of satin cloth of black colour and chrom-tanned leather bindings of black colour affixed to the bottom edge. (Specification IS.5085 as amended from time to time).

(g) Peak Cap—Same specification as given in item (xv) under sub-rule (4) of rule 54-A.

(4) Badges of rank.—The shoulder badges will be as under :—

A white metal badge consisting of letters "CISF" in 1.27 Cms. block letters to be worn at the base of the shoulder straps.

Badges of ranks shall be as under :—

Rank	Badges
(a) Inspector	Three stars and Ribbon silk bar (Red and blue) fixed above the metal badge "CISF".
(b) Sub-Inspector	Two stars —do—
(c) Assistant Sub-Inspector	One star —do—
(d) Head Security Guard	Chevron three Bars white colour on khaki cellular cloth on the right sleeve of Shirt/Jersey and white metal badges "C.I.S.F." on shoulder straps.
(e) Senior Security Guard	Chevron two bars white colour on khaki cellular cloth on the right sleeve of Shirt/Jersey and white metal badges "C.I.S.F." on shoulder straps.
(f) Security Guard and Followers.	White metal badges "CISF" on shoulder straps.

Note :—When so directed by the Central Government, the device 'C.I.S.F.' on shoulder badge or any other part of the Uniform, shall consist of letters "क्र० एस्ट्रो एस्ट्रो" in Dev Nagri, for use throughout India or any part thereof."

3. In the said rules, after rule 54, the following shall be inserted, namely : "54.A Use of Uniform by the Supervisory Officers. (1) I.P.S. Officers taken on deputation in the CISF shall continue to wear the same uniform and badges of rank, as they are entitled to in the I.P.S. However, their ceremonial and working dresses shall, at any one occasion be of the same type as prescribed for non-I.P.S. Officers. In regard to officers other than I.P.S., the following specifications are prescribed :—

(2) Ceremonial Dress

TYPE (A)

Peak Cap, Jacket (Gaberdine or Drill) whistle and lanyard, slacks of the same material as the jacket, brown ankle boot/shoes, khaki shirt, blue tie, khaki socks, sam-brown belt (Brown) and sword, medals and decorations

TYPE (B)

Peak Cap, shirt, slacks (khaki drill or cotton terene of khaki gaberdine cotton), khaki socks, shoes, sam-brown belt (brown) and sword, whistle, lanyard and ribbons, medals and decorations.

Note—The type of Ceremonial Dress to be worn on any occasion may be prescribed by the Deputy Inspector General concerned.

(3) Working Dress.

Type (1)

Peak Cap, Jacket, Slacks, of the same material as the jacket (gaberdine or drill or khaki gaberdine cotton) whistle and lanyard, shoes/ankle boots, khaki socks, khaki shirt, blue tie, cloth belt of the same material as the jacket of sam-brown belt (brown) and ribbons.

Type (2)

Peak/Beret Cap, bush-shirt with cloth belt, slacks, socks and shoes/ankle boots, whistle, lanyard and ribbons.

Type (3)

Peak/Beret Cap, shirt (with or without jersey) leather belt or web belt khaki, slacks, socks, shoes/ankle boots, whistle, lanyard and ribbons.

Type (4)

Peak/Beret Cap, shirt (with or without jersey) brown leather belt or web belt khaki, slacks, socks and shoes/ankle boots/jungle boots.

Note—1. The type of working dress to be worn may be decided by the Deputy Inspector General concerned.

2. Revolver/Pistol shall be part of working dress for the Supervisory Officers. However, they shall carry it only when the nature of duties to be performed so requires. Holster and ammunition pouch shall be of the same colour and material as that of belt.

(4) The description of the articles of Uniform shall be as follows—(1) Jacket Khaki drill/gaberdine cotton or cotton terene (during hot weather) and khaki gaberdine woolen or woollen terene (during cold weather) single breasted, cut as lounge coat to the waist, very loose at the chest and shoulders but fitted at the waist, military skirt to bottom edge. A silver plated hook on each side at the waist.

Length as in ordinary civilian lounge coat, i.e. covering the seat. Collar to be cut as in an ordinary civilian lounge coat. Two cross path breast pockets above, 16.6 Cms. wide and 19.0 Cms. deep to the top of the flap, with a 5.8 Cms. box pleat in the centre fastened at the top with a small CISF pattern button; flap, with button hole to cover pockets 5.8 Cms. deep and 16.6 Cms. wide. Two expanding pockets below the waist (Pleats at the sides) 23.5 Cms. wide at the top 26.7 Cms. at the bottom, 20.32 Cms. deep to the top of the pocket, fastened at the top with a small C.I.S.F. pattern button; flap with button hole to cover pockets, 8.9 Cms. deep and 27.3 Cms. wide the top of the pocket to be tucked down at the corners in such a manner that pocket can be expanded at the top also, if necessary. Four medium C.I.S.F. pattern buttons down the front. The buttons should be so fixed that the bottom-most button covers the navel and the top-most button fixed one-third distance between the navel and the position of the tie-knot. Pointed cuffs, 12.7 Cms. high at the point and 6.35 Cms. behind. Shoulder straps of the same material as the garment fastened with a small C.I.S.F. pattern button. The jacket to be worn with a soft or semi stiff collar and shirt and dark blue sailor-knot tie.

(ii) Shirt—Khaki, cotton cellular or twill, cotton terene or angola with two breast pockets of the jacket pattern with khaki bone buttons. When worn under the jacket, all shirts should be of khaki poplin.

(iii) Bush-Shirt—The pattern of the bush-shirt shall be as for a jacket with the following modifications :—

(a) Button-up Collar—3.81 Cms. in width at back and 6.35 Cms. to 7.62 Cms. at points.

(b) Sleeves, as for a shirt with single plain cuff 5.72 Cms. in width and one button.

N. B. For hot weather, the sleeves may either be rolled up or short sleeves be worn.

(c) Four buttons excluding collar button, top button to be 10.16 Cms. below collar button and the remainder evenly spaced.

(d) Belt 5.08 Cms. broad with silver plated buckle to be made of the same material as the Bush-shirt, Khaki drill or khaki twill or khaki cellular cotton terene or khaki gaberdine cotton).

- (e) All buttons to be of bone.
- (f) No ties shall be worn with the Bush-shirt.
- (iv) Trousers (Slacks)—Khaki drill/gaberdine, cotton terrene or khaki gaberdine woollen or woollen terrene to match jacket, without turn-ups and shape from in-step to heels, the bottom to measure 40.46 Cms. to 45.72 Cms.
- (v) Boot-Ankle—Ankle, plain brown leather with plain toe-caps and 9 pairs of eye-lets.
- (vi) Shoes—Plain brown leather Oxford shoes with the plain toe-caps and 5 pairs of eye-lets.
- (vii) Belts—Brown leather belt with CISF Monogram on steel plate affixed thereon with following specifications :—
- Material—Buffalo Harness leather, vegetable tanned. Belt should be free from grain defects hay cuts, flesh side should be well buffed and properly set.
- Size length—121.92 Cms. (to be varied according to individual measurements).
- Width—5.5 Cms.
- Thickness—3.5 to 4.5 mm.
- Length 11.5 Cms.; Width 5.5 Cms. The tongue should be stitched to the fixed loop at the right end of the buckle plate. The fixed loop should be 1.6 Cms. in width and should be hand stitched with brown thread J. P. Coat No. 2 alongwith the turned right end of the belt.
- Leather Loop—In addition to the above fixed loop, there should be two leather loops of 1.6 Cms. width overlapping portion of 4.3 Cms. to be hand stitched with brown thread J. P. Coat No. 2. These two buckles should move freely.
- (viii) Pistol/Revolver Holster—Holster and ammunition pouch shall both be of brown leather or khaki web.
- (ix) Sword—Infantry pattern with half basket in white metal and device "C.I.S.F." except that in the case of IP/IPS Officers it shall be with the device "IP/IPS" and Army Officers may wear their own Swords.
- (x) Sword knot—Brown leather with acorn.
- (xi) Scabbard—Brown leather infantry pattern.
- (xii) Whistle—Of the Police pattern to be worn attached to a dark blue round plaited lanyard and carried in the left breast pocket.
- (xiii) Badges of rank—The shoulder badges will be as under :—
- White metal badge consisting of letters "C.I.S.F." in 1.27 Cms. block letters to be borne at the base of the shoulder straps.

Badges of rank shall be as under :—

Rank	Badges
(a) Commandant and Officers of equivalent ranks.	State Emblem and One Star.
(b) Assistant Commandant and officers of equivalent ranks.	Three Stars.

Note :—The star shall be of the "Star of India" pattern.

(xiv) Buttons—Of white metal, convex in shape, die struck and embossed with "C.I.S.F." device in two sizes.

The "C.I.S.F." device for use on buttons will consist of a monogram of the letters "C.I.S.F." surrounded by Ashoka Chakra.

(xv) Head Gear—Except in the case of Sikh Officer who may wear khaki pagree with cap badge mounted thereon, head gear shall be khaki Peak Cap or Khaki Beret Cap of the following description :—

Peak Cap—Khaki gaberdine (Spinners Vigan No. 1 shade) or Barathea 11.5 Cms. total depth, diameter across the top 35 Cms. for a cap fitting 55.5 Cms. in circumference the top to be 0.32 Cms. larger or smaller in diameter for every 0.64 Cms. by which the cap may vary in size of head above or below the above-mentioned standard. The sides to be made in four pieces and to be 5.4 Cms. deep between the walls.

The Cap Badge—will be in white metal with letters "C.I.S.F." upright in the middle surrounded by the State Emblem fixed to a leather strap of brown colour.

Beret Cap—Knitted one piece khaki woollen beret with lining of satin cloth of black colour and chrome-tanned leather binding of black colour affixed to the bottom edge.

The case badge, in white metal with letters "C.I.S.F." surrounded by State Emblem shall be fixed upright in the middle on the fore-side.

Note.—State Emblem shall be as prescribed in MHA's letter No. 15/14/76-GPA-II dated 17-3-76, as amended from time to time.

(xvi) Socks—Khaki cotton or woollen or mercerised.

(xvii) Stockings—Khaki woollen.

Note.—When so directed by the Central Government, the device "C.I.S.F." on shoulder badge or any other part of the Uniform, shall consist of letters "कौशल सूचा" in Dev Nagri, for use throughout India or any part thereof.

(5) The IG, with the prior approval of the Central Government, may grant permission to any supervisory officer to wear after retirement, uniform of the rank last held by him, immediately before retirement, on ceremonial occasions and Armed Parades."

APPENDIX—C

Scale of Clothing and equipment for CISF personnel—common items

Sl. No.	Name of Articles	Accounting Unit	Period of service-ability	Inspec-tors	Sub-Insps./ ASIs.	H.S. Guards	S.S. Guards	Security Guards	Drivers	Fol-lo-wers
1	2	2(a)	3	4	5	6	7	8	9	10
1.	Anklet Web	. . .	Prs.	3 years	1	1	1	1	..	..
2.	Apron Mazri (for Cooks)	. . .	No.	1 year	..	..	..	..	..	2
3.	Badges Cap/Pagri	. . .	"	10 years	1	1	1	1	1	1
4.	Bag Kit	. . .	"	7 years	1	1	1	1	1	1
5.	Belt Waist Sam Browne	. . .	"	10 years	1	1	..	..	..	..

1	2	2(a)	3	4	5	6	7	8	9	10
42. Kit Box	No.	15 years	1	1	1	1	1	1	1	1
WEB EQUIPMENT										
43. Belt Waist Web	No.	5 years	1	1	1	1	1	1	1	1
44. Bottle Water Complete	No.	5 years	1	1	1	1	1	1	1	..
45. Haver Sack	No.	5 years	1	1	1	1	1	1	1	..
46. Pack Large	No.	5 years	1	1	1	1	1	1	1	..
47. Straps Supporting Pack (Left/ Right).	Prs.	5 years	1	1	1	1	1	1	1	..
48. Straps Shoulder Haver Sack (Left/right)	Prs.	5 years	1	1	1	1	1	1	1	..
49. Braces Normal	Prs.	5 years	1	1	1	1	1	1	1	..
50. Attachment Braces	Prs.	5 years	1	1	1	1	1	1	1	..
51. Sling Web Rifle	No.	5 years	.. ..	1	1	1	..	..	..	..
										(Unit Equipment. Equal to the number of Rifles held by the Unit).
52. Frog Bayonet	No.	5 years	.. ..	1	1	1	1	1	1	..
										(Unit Equipment. Equal to the number of Rifles held by the Unit).
53. Pouches Basic Amn. Rifles	Prs.	5 years	.. ..	1	1	1	1	1	1	..
										(Unit Equipment. Equal to the number of Rifles held by the Unit).
54. Holster Pistol Web	No.	5 years	1	1	.. ..	.. ..	.. ..	.. ..	.. ..	..
										(Unit Equipment. Equal to the number of Rifles held by the Unit).
55. Pouches Amn. Pistol	No.	5 years	1	1	.. ..	.. ..	.. ..	.. ..	.. ..	..
										(Unit Equipment. Equal to the No. of Revolvers held by the Unit).

APPENDIX—D

CEREMONIAL DRESS

Sl. No.	Name of Articles	Accounting Unit	Period of service-ability	Inspectors	Sub-Inspectors/ ASIs.	HS Guards	SS Guards	Security Guards	Drivers	Followers
1	2	2(a)	3	4	5	6	7	8	9	10
1. Beret Cap Sea/Blue (For non-Sikhs).	No.	5 years	.. ..	1	1	1	1	1	1	.. ..
2. Pagri Sea Blue (For Sikhs only)	No.	5 years	1	1	1	1	1	1	1	.. ..
										(Length 5.5 Metres)
3. Lanyard Sea Blue	No.	5 years	1	1	1	1	1	1	1	.. ..
4. Plume Sea Blue	No.	5 years	1	1	1	1	1	1	1	.. ..
										(To be issued as Unit Equipment and NOT individual issues).

APPENDIX—E

Extra Items of Winter Clothing

Sl. No.	Name of Articles	Accounting Unit	Period of service-ability	Inspectors	Sub-Inspectors/ ASIs.	HS Guards	SS Guards	Security Guards	Drivers	Followers
1	2	2(a)	3	4	5	6	7	8	9	10
1. Blanket	No.	5 years	1	1	1	1	1	1	1	1
2. Great Coat	No.	7 years	1	1	1	1	1	1	1	1
3. Shirt Angola	No.	3 years	1	1	1	1	1	1	1	1
4. Trouser BD Serge	No.	4 years	1	1	1	1	1	1	1	1

Note :—(Winter Clothings are authorised for issue to those Units only which are situated north of 20 degree line or above on the Map of India or to such Units which are below 20 degree but are situated at an altitude of over 3000 feet).

Extra Issue Clothing

Sl. No.	Name of Articles	Accounting Unit	Period of Service-ability	Inspec-tors	Sub-Inspec-tors/ ASIs.	HS Guards	SS Guards	Security Guards	Drivers	Follow-ers
1	2	2(a)	3	4	5	6	7	8	9	10
1.	Vests Woollen	No.	4 years	2	2	2	2	2	2	2
2.	Drawer Woollen	No.	3 years	2	2	2	2	2	2	2
3.	Cap Comforter	No.	3 years	1	1	1	1	1	1	1
4.	Gloves Woollen/Leather	Prs.	6/7 years	1	1	1	1	1	1	1
5.	Blankets	No.	5 years	2	2	2	2	2	2	2
6.	Coat Parkha	No.	6 years	1	1	1	1	1	1	1

Note :—EI Clothing are authorised for issue to those Units which are situated on high altitude over 5000 feet or snow bound areas. For the present the issue of these items is confined only to HMT Contingent, Srinagar (J&K).

[No. PR-13011/2/73-L&R/Pers.
C. S. CHADHA, Dy. Secy. I]

वित्त मंत्रालय

(राजस्व विभाग)

कार्यालय समाहृता, सीमाशुल्क घौर केन्द्रीय उत्पादनशुल्क, शिलांग

शिलांग, 9 फरवरी, 1978

सीमाशुल्क

का०आ० 1649.—भारत सरकार, वित्त मंत्रालय (राजस्व विभाग) नई दिल्ली द्वारा जारी की गयी विनाक 18-7-75 की अधिसूचना सं० 79-सी०श०, का०सं० 473/2/75-सी०श०-7 के साथ पठित सीमाशुल्क अधिनियम, 1962 (1962 का 52) की धारा 9 के अन्तर्गत मुझे प्रदत्त शक्तियों का प्रयोग करते हुए, मैं के० एस० साहा, समाहृता, सीमाशुल्क घौर केन्द्रीय उत्पादनशुल्क, शिलांग, एतद्वारा भ्रम सराज्य में कामरूप जिले के गोहाटी नगर को बांडेड वेयरहार्डिंग स्टेशन के रूप में घोषित करता हूँ।

[अधिसूचना सं० 1/सी० सं० 8/13/2/सी०श०/77]

के० एस० साहा, समाहृता

MINISTRY OF FINANCE
(Department of Revenue)CUSTOMS & CENTRAL EXCISE, COLLECTORATE,
SHILLONG

Shillong, the 9th February, 1978

CUSTOMS

S.O. 1649.—In exercise of the powers conferred on me under Section 9 of the Customs Act, 1962 (52 of 1962) read with the Notification No. 79-CUS., F. No. 473/2/75-CUS. VII dated 18-7-75 issued by the Government of India, Ministry of Finance (Department of Revenue) New Delhi, I. K. S. Saha, collector of Customs and Central Excise, Shillong hereby declare Gauhati, District Kamrup, in the State of Assam to be a Bonded Warehousing Station.

[No. 1/C. No. VIII/13/2/Cus/77]

K. S. SAHA, Collector

कार्यालय समाहृता, सीमाशुल्क घौर केन्द्रीय उत्पादनशुल्क, भ्रम सराज्य

भ्रम सराज्य, 15 मार्च, 1978

सीमाशुल्क

का०आ० 1650.—भारत सरकार, वित्त मंत्रालय (राजस्व घौर विभाग) नई दिल्ली द्वारा जारी की गई अधिसूचना सं० 79-सी०श०, का०सं० 473/2/75-सी०श० सात के साथ पठित सीमाशुल्क अधिनियम, 1962 (1962 का 52) की धारा 9 के अन्तर्गत मुझे प्रदत्त शक्तियों का प्रयोग करते हुए, मैं के० श्रीनिवासन, समाहृता, सीमाशुल्क घौर केन्द्रीय उत्पादनशुल्क, भ्रम सराज्य, इसके द्वारा गुजरात राज्य में भ्रम सराज्य जिले के सिटी तालुका में घोड़ासर ग्राम को भाण्डागढ़ स्थान (बैंकर हाउसिंग स्टेशन) घोषित करता हूँ।

[सं० 2/78-सी०श०/का०सं० भ्र/40-23/सी०श०/77]

के० श्रीनिवासन, समाहृता

CUSTOMS & CENTRAL EXCISE COLLECTORATE,
AHMEDABAD

Ahmedabad, the 15th March, 1978

CUSTOMS

S.O. 1650.—In exercise of the powers conferred on me under section 9 of the Customs Act, 1962 (52 of 1962), read with the Notification No. 79-CUS., F. No. 473/2/75-CUS. VII dated 18-7-75 issued by the Government of India, Ministry of Finance (Department of Revenue & Insurance), New Delhi, I. K. Srinivasan, Collector of Customs & Central Excise, Ahmedabad hereby declare 'GHODASAR' village in City Taluka of the Ahmedabad District in the State of Gujarat to be a warehousing station.

[No. 2/78-Cus., F. No. VII/40-23/Cus/77]
K. SRINIVASAN, Collector

(आधिकारिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 20 मार्च, 1978

का०आ० 1651.—वैकल्पिक विभाग अधिनियम 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रदत्त शक्तियों

का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा भारतीय रिजर्व बैंक की तिफारिंग पर, घोषणा करती है कि उक्त प्रधिनियम की धारा 11 की उपचारा (1) के उपर्यन्त 30 जून, 1977 से 28 फरवरी, 1979 तक की अवधि के लिए सत्यमंगलम को-ऑपरेटिव ब्रांबन बैंक लि०, सत्यमंगलम पर लागू मही होंगे।

[संख्या एफ० 8-1/78 ए०सी०]

एम० पी० वर्मा, ब्रांबन सचिव

(Department of Economic Affairs)
(Banking Division)

New Delhi, the 20th May, 1978

S.O. 1651.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of sub-section (1) of Section 11 of the said Act shall not apply to the Satyamangalam Co-operative Urban Bank Ltd., Satyamangalam, Tamil Nadu from 30 June 1977 to 28 February 1979.

(No. F. 8-1/78-AC)

M. P. VARMA, Under Secy.

वित्त मंत्रालय

सत्यमंगलम को-ऑपरेटिव उत्पादनशुल्क समाहृतीलय, शिलांग

शिलांग, 17 जनवरी, 1978

केन्द्रीय उत्पादन शुल्क

का० आ० 1652.—केन्द्रीय उत्पादन शुल्क नियम 1944 के नियम 5 के अन्तर्गत मुन्त्रे प्रवत्त अधिकारों का प्रयोग करते हुए, मैं केन्द्रीय उत्पादन शुल्क के नियमलिखित अधिकारियों को, उनके अपने-अपने क्षेत्राधिकार में, केन्द्रीय उत्पादन शुल्क नियम 1944 के नियम 173 आर० के (2) के अन्तर्गत, जिन मामलों में शुल्क निर्धारिती नियम 1973 आर० डी० (2) के अन्तर्गत निर्धारित समय के अन्वर शुल्क देवदारी के नियावन में विफल रहता है, उनमें विसम्ब भाफी से सम्बन्धित समाहृती की शक्तियां प्रवान करता हैः—

(क) अधीक्षकः—6 (छह) दिन तक के विसम्ब की भाफी के लिये।

(ख) सहायक समाहृतीः—(एक) महीने के अतिरिक्त विसम्ब की भाफी के लिये।

2. जहां काही ऐसी भाफी दी जाय, उसमें मंजूरी देने के पर्याप्त कारण रिकाउंडिंग किये जाने चाहिये।

[सं० 1/क०उ०ग०/78/सी० सं० 4-16/27/77/44]

क० एस० साहा, समाहृती

CUSTOMS & CENTRAL EXCISE COLLECTORATE,
SHILLONG

Shillong, the 17th January, 1978

CENTRAL EXCISES

S.O. 1652.—In exercise of the powers vested in me under rule 5 of the Central Excise Rules, 1944, I empower the following officers of Central Excise to exercise within their respective jurisdictions, the powers of the Collector under rule 173 RD (2) of the Central Excise Rules, 1944, relating to condonation of delay in cases where the assessee fails to discharge the duty liability within the time specified under rule 173 RD (2) :—

(a) Superintendent—for condoning delay up to 6 (six) days.

(b) Assistant Collector.—for condoning delay further up to 1 (one) month.

2. Whenever such condonation is given, there should be adequate reason being recorded at the time of granting the same.

[No. 1/CE/78/C. No. IV-16/27/77/44]

K. S. SAHA, Collector

वाणिज्य, नागरिक पूर्ति तथा सहकारिता मंत्रालय

नई दिल्ली, 19 मई, 1978

का० आ० 1653.—भारतीय व्यापार मेला प्राधिकरण की संस्था अंतर्नियमावली के अनुच्छेद 59 (2) के प्रत्यार्पत्त प्रवत्त शक्तियों का प्रयोग करते हुए राष्ट्रपति नियमोक्त शक्तियों को इस अधिसूचना के जारी होने की तारीख के एक वर्ष के लिए भारतीय व्यापार मेला प्राधिकरण के प्रशंसकालिक निदेशक के रूप में नियुक्त करते हैं।

नाम	पदनाम
1. श्री सुरेश मेहता	प्रब्लेम, हंजीनियरी नियांति संबंधित परिषद्, कलकत्ता।
2. श्री ए० हफीजुर रहमान	प्रब्लेम, बमडा नियांति संबंधित परिषद्।

[सं० 6/78(1) 1/77]

MINISTRY OF COMMERCE
CIVIL SUPPLIES AND COOPERATION

New Delhi, the 19th May, 1978

S.O. 1653.—In exercise of the powers conferred under Article 59(2) of the Articles of Association of the Trade Fair Authority of India, the President is pleased to appoint the following persons as part-time Directors of the Trade Fair Authority of India for one year from the date of issue of this notification :

Name	Designation
1. Shri Suresh Mehta	Chairman, Engineering Export Promotion Council, Calcutta.
2. Shri A. Hafeezur Rehman	Chairman, Leather Export Promotion Council.

[No. 6/78(1)/1/77]

का० आ० 1654.—भारतीय व्यापार मेला प्राधिकरण की संस्था अंतर्नियमावली के अनुच्छेद 59 (2) के प्रत्यार्पत्त प्रवत्त शक्तियों का प्रयोग करते हुए राष्ट्रपति नियमोक्त शक्तियों को इस अधिसूचना के जारी होने की तारीख से भारतीय व्यापार मेला प्राधिकरण के प्रशंसकालिक निदेशक के रूप में नियुक्त करते हैं।

नाम	पदनाम
1. श्री जे० आर० भल्ला	प्रब्लेम, वास्तुकला परिषद्, दिल्ली।
2. श्री ए० छटर्जी	निदेशक, राष्ट्रीय डिजाइन संस्थान, भ्रह्मद्वारा।
3. श्री जी०सी० नवलकर	प्रब्लेम, हस्तशिल्प संथा हथकरघा नियांति निवेशक ए० एस० सेठी, शिवेश क

[सं० 6/78(1)/1/77]

S.O. 1654.—In exercise of the powers conferred under Article 59(2) of the Articles of Association of the Trade Fair Authority of India, the President is pleased to appoint the following persons as part-time Directors of the Trade Fair Authority of India with effect from the date of issue of this notification :

Name	Designation
1. Shri J.R. Bhalla	President, Council of Architecture, Delhi.
2. Shri A. Chatterjee	Director, National Institute of Designs, Ahmedabad.
3. Shri G.B. Nawalkar	Chairman, Handicrafts and Handloom Exports Corporation, New Delhi. [No. 6/78/(1)/1/77] A. S. Sethi Director

(वाणिज्य विभाग)

नई दिल्ली, 20 मई, 1978

का०आ० 1655.—चाय अधिनियम 1953 (1953 का 29) की धारा 4 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार श्री टी. एस. ब्रोका के स्थान पर वी. के. गोस्वामी आर्ह, ए.एस. को 15 मई (अप्रैल) से 1978 से ग्रामीण आदेश होने तक 2500-2750 रु के वेतनमान में प्रध्यक्ष, चाय बोर्ड के पद पर गन्दवारा नियुक्त करती है।

[स० के०-12013 (2) 78 प्लाट (ए)]

(Department of Commerce)

New Delhi, the 20th May, 1978

S.O. 1655.—In exercise of the powers conferred by Sub-Section (3) of Section 4 of the Tea Act, 1953 (No. 29 of 1953) the Central Government hereby appoints Shri B. K. Goswami, I.A.S., to the post of Chairman, Tea Board vice Shri T. S. Broca, with effect from 15th May (A.N.), 1978 in the scale of Rs. 2500-2750 until further orders.

[No. K-12013(2)/78-Plant (A)]

का०आ० 1656.—चाय अधिनियम 1953 (1953 का 29) की धारा 9 की उपधारा (1) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार श्री पी० मार० मेन गुप्त को, जो पहले लाइसेंसिंग नियंत्रक, चाय बोर्ड, कलकत्ता थे, 1-2-1978 के पूर्वान्तर से ग्रामीण आदेश होने तक नियमित आधार पर विचित्र, चाय बोर्ड के पद पर नियुक्त करती है।

[स० के०-12013 (4)/77-प्लाट(ए)]

परमात्म सिंह, उप मंत्रिव

S.O. 1656.—In exercise of the powers conferred by Clause (aa) of sub-section (1) of Section 9 of the Tea Act, 1953 (29 of 1953) the Central Government hereby appoints Shri P. R. Sen Gupta, lately Controller of Licensing, Tea Board, Calcutta, as Secretary, Tea Board on regular basis with effect from the forenoon of the 1-2-1978, till further orders.

[No. K-12013(4)/77-Plant (A)]

PARMATAM SINGH, Dy. Secy.

मुख्य नियंत्रक, भारत-नियांत्र का कार्यालय

आदेश

नई दिल्ली, 23 मई, 1978

का०आ० 1657.—सर्वश्री गुजरात रोलर फ्लूर मिल्स, नवनीत मार्किट, क्रास लेन, अहमदाबाद-38002 ने बताया है कि गेहूं उत्पाद के विनिर्माण के लिए फ्लोर मिल मशीनरी के लिए प्रमुख फालतू पुजौं के आयात के लिए 1890 रुपए एक हजार आठ सौ नब्बे रुपए मात्र) के लिए उनको जारी किए गए आयात लाइसेंस स० पी/डी/2205615/पी/एस/एक्स/61/एच/43-44 दिनांक 15 नवम्बर, 1976 की सीमा शुल्क प्रयोजन प्रति किसी भी सीमा शुल्क प्रधिकारी के पास पंजीकृत कराए विभागीय बिल्कुल उपयोग में लाए बिना ही व्यवसायस्थ हो गई है।

2. इस तर्क के समर्थन में सर्वश्री गुजरात रोलर फ्लूर मिल्स, अहमदाबाद ने एक शपथ पत्र वाखिल किया है। अशोहस्त्राक्षरी संतुष्ट है कि विवाधीन लाइसेंस की मूल सीमा शुल्क प्रयोजन प्रति व्यवसायस्थ हो गई/जो गई है तथा निवेदा देता है कि पूर्वोक्त आयात लाइसेंस की सीमा शुल्क प्रयोजन प्रति की प्रत्युत्तिप्रति उनको जारी की जानी चाहिए। मूल सीमा शुल्क प्रयोजन प्रति एकूण रुद की जाती है।

3. विषयाधीन लाइसेंस की सीमा शुल्क प्रयोजन प्रति की प्रत्युत्तिप्रति ग्राम से आरी की जा रही है।

[संख्या फ्लौर/20/1/76-77 प्रार. एम-5]

जी० एस० ग्रेवल, उप-मुख्य नियंत्रक

OFFICE OF THE CHIEF CONTROLLER OF IMPORTS AND EXPORTS

ORDER

New Delhi, the 23rd May, 1978

S.O. 1657.—It has been reported by M/s. Gujarat Roller Flour Mills, Navneet market, cross lane, Ahmedabad-38002 that Customs Purposes copy of Import Licence No. P/D/2205615/C/XX/61/H/43-44 dated 15th November, 1976 granted to them for a value of Rs. 1,890 (rupees one thousand eight hundred & ninety only) for import of permissible spares for the Flour Mill Machinery for the manufacture of wheat products has been misplaced lost without having been registered with any customs authority and it has not been utilised at all.

2. In support of this contention, M/s. Gujarat Roller Flour Mills, Ahmedabad have given an affidavit. The undersigned is satisfied that the original Customs Purposes copy of the licence in question has been misplaced/lost and directs that a duplicate Customs Purposes copy of the above mentioned import licence should be issued to them. The original Customs Purposes copy is hereby cancelled.

3. A duplicate Customs Purposes copy of the licence in question is being issued separately.

[No. Flour/20/1/76-77/RM. 5]

G. S. GREWAL, Dy. Chief Controller

आदेश

नई दिल्ली, 10 जून, 1978

का०आ० 1658.—भारत के नियांत्रित व्यापार के विकास के लिए श्रीद्योगिक जंजीरों को नियांत्र से पूर्व व्यालिटी नियंत्रण तथा नियीकण के प्रयोग लाने के सिए काँतपथ प्रस्ताव नियांत्रित (व्यालिटी नियंत्रण और नियीकण) नियम, 1964 के नियम 11 के उप-नियम (2) की व्यापकानुसार भारत सरकार के वाणिज्य मकालय के प्रांतिक सदृश का०आ० 2171, तारीख 25 जून, 1977 के मध्यमे भारत के गजपत भाग-2, छाड़ + उपखण्ड (ii) तारीख 25 जून 1977 में प्रकाशित किए गए थे और उन सभी व्यक्तियों से जिनके उनसे प्रभावित

होने की संभावना थी गजपत्र में इस आदेश के प्रकाशन की तारीख में 45 दिन के भीतर आक्षेप तथा सुझाव भर्ने गए थे;

और उसके राजपत्र की प्रसिद्धि जनता को 28 जून, 1977 को उपलब्ध करा दी गई थी।

और जनता से प्राप्त आक्षेपों नथा सुझावों पर केन्द्रीय सरकार ने विचार कर लिया है;

अत अब, केन्द्रीय सरकार नियांति (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 6 द्वारा प्रदत्त शर्कियों का प्रयोग करते हुए, नियांति निरीक्षण परिषद् से परामर्श करने के पश्चात् अपनी यह राय होने पर कि भारत के नियांति व्यापार विकास के लिए ऐसा करना प्रारूपक तथा समीचीन है, एवं द्वारा —

(1) अधिसूचित करती है कि श्रौद्धोगिक जंजीरों नियांति से पूर्ण क्वालिटी नियंत्रण तथा निरीक्षण के अधीन होगी,

(2) श्रौद्धोगिक जंजीरों का नियांति (क्वालिटी नियंत्रण और निरीक्षण) नियम 1978 के अनुमार निरीक्षण के प्रकार को क्वालिटी नियंत्रण तथा निरीक्षण के लिए प्रकार के रूप में विनिर्दिष्ट करती है जो नियांति से पूर्ण ऐसी श्रौद्धोगिक जंजीरों के नियांति पर लागू होगा,

(3) (क) विदेशी देशों तथा नियांति-कार्ता के मध्य नियांति सविदा में विभिन्न अपेक्षाओं महिन विनियोगों की मान्यता देती है।

(ख) स्तम्भ (क) में निर्दिष्ट किसी भी अनुबंध के अधार में, श्रौद्धोगिक जंजीरों के लिए भारतीय मानक सम्मान अवधार विदेशों के राष्ट्रीय मानकों द्वारा जारी किए गए विनियोगों को ऐसी श्रौद्धोगिक जंजीरों के लिए मानक विनियोगों के रूप में मान्यता देती है,

(4) अतराष्ट्रीय व्यापार के दौरान ऐसी श्रौद्धोगिक जंजीरों के नियांति का तब तक प्रतिवेद करती है जब तक कि उसके साथ नियांति (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम 1963 (1963 का 22) की धारा 7 के अधीन केन्द्रीय सरकार द्वारा स्वापित अभिकरणों से से किसी एक द्वारा जारी किया गया इस आदेश का प्रभान्य-पत्र न हो कि श्रौद्धोगिक जंजीरों क्वालिटी नियंत्रण नियम से सम्बन्धित शर्तों को पूरा करती है तथा नियांति-योग्य है।

2. इस आदेश की कोई भी बात भावी क्रेतारों को भूमि, सम्प्रयुक्त मार्ग द्वारा श्रौद्धोगिक जंजीरों के वास्तविक नमूनों के नियांति पर लागू नहीं होगी।

3. इस आदेश में 'श्रौद्धोगिक जंजीर' के विषय के संचारण के लिए या किसी श्रौद्धोगिक तथा अन्य सञ्चालन थेट्रों में यांत्रिक सञ्चालन के लिए प्रयुक्त मामान्य या मिथित बनावट वाली इस्पात की रोपर जंजीर, बुश जंजीर या लीफ अभिप्रेत है; परन्तु इसमें साइकिल की जंजीरे तथा स्वचालित (प्रोटोमोटिव) जंजीरे सम्मिलित नहीं हैं।

4. यह आदेश राजपत्र में प्रकाशन की तारीख को प्रवृत्त होगा।

[सं. 6(26)/76-नियंत्रण तथा नियम]

ORDER

New Delhi, the 10th June, 1978

S.O. 1658.—Whereas for the development of the export trade of India certain proposals for subjecting Industrial Chains to quality control and inspection prior to export were published as required by sub-rule (2) of rule 11 of the Export (Quality Control and Inspection) Rules, 1964, in the Gazette of India, Part-II, Section 3, Sub-section (ii) dated the 25th June, 1977, under the Order of the Government of India in the Ministry

of Commerce, No. S.O. 2171, dated the 25th June 1977, inviting objections and suggestions from all persons likely to be affected thereby, within 45 days from the date of publication of the Order in the Official Gazette :

And whereas copies of the said Gazette were made available to the public on the 28th June, 1977 ;

And whereas the objections and suggestions received from the public have been considered by the Central Government ;

Now, therefore, in exercise of the powers conferred by section 6 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963) the Central Government after consulting the Export Inspection Council, being of opinion that it is necessary and expedient so to do for the development of the export trade of India, hereby —

- (1) notifies that Industrial Chains shall be subject to quality control and inspection prior to export ;
- (2) specifies the type of inspection in accordance with the Export of Industrial Chains (Quality Control and Inspection) Rules, 1978 as the type of quality control and inspection which shall be applied to such Industrial Chains prior to export ;
- (3) recognises —
 - (a) the specifications with detailed requirements as stipulated in the export contract between the foreign buyer and the exporter ;
 - (b) in the absence of any stipulation referred to in clause (a), the specifications issued by the Indian Standards Institution or National Standard of a foreign country for Industrial Chains as the standard specifications for such Industrial Chains ;
- (4) prohibits the export in the course of international trade of any such Industrial Chains unless the same are accompanied by a certificate issued by any one of the agencies established by the Central Government under section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), to the effect that the Industrial Chains satisfy the conditions relating to quality control and inspectional are exportworthy.

2. Nothing in this order shall apply to the export by land, sea or air of bona fide samples of Industrial Chains to prospective buyers.

3. In this order "Industrial Chain" shall mean any steel roller chain, bush chain or leaf link chain of simple or multiple construction, used for transmission of power or for mechanical handling in any industrial and other allied fields ; but shall not include bicycle chains and automotive chains.

4. This order shall come into force on the date of its publication in the official Gazette.

[No 6 (26)/76-EI&EP]

का० आ० 1659.—केन्द्रीय सरकार नियांति (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम 1963 (1963 का 22) की धारा 17 द्वारा प्रदत्त शर्कियों का प्रयोग होते हुए नियन्त्रित नियम बनाती है, अधार्ति—

1. मंकिप्त नाम एवं प्रारम्भ—(1) इन नियमों का मंकिप्त नाम श्रौद्धोगिक जंजीरों का नियांति (क्वालिटी नियंत्रण और निरीक्षण) नियम 1978 है।

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होगे।

2. परिभाषा—इन नियमों में, जब तक कि संदर्भ से अन्यथा अपेक्षित न हो,

(क) 'अधिनियम' से नियांति (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) अभिप्रेत है:

(ख) 'अभिकरण' से अधिनियम की धारा 7 के अधीन मुम्बई, कलकत्ता, कोचीन, दिल्ली तथा मद्रास में स्थापित अभिकरणों में से कोई एक अभिकरण अभिप्रेत है।

(ग) 'श्रीधोगिक जंजीर' से विस्तृत के संचारण के लिए ग्रथवा किसी प्रौद्योगिक तथा ग्रन्थ संबंधित धोके में यात्रिक संचालन के लिए प्रयुक्त सामान्य या विभिन्न बनावट वाली इस्तात की रोलर जंजीर, बूँद जंजीर या लीफ लिंक जंजीर अधिकृत है, परन्तु इसमें साइकिल की जंजीर तथा स्वचालित (आठो-मोटिव) जंजीर सम्मिलित नहीं है।

3. क्षालिटी नियंत्रण:—(1) निर्यात के लिए ग्राम्यवादी श्रीधोगिक जंजीरों की क्षालिटी इससे उपायबद्ध प्रनुभूति में दिए गए नियंत्रण के स्तरों के साथ विनिर्माण के विभिन्न स्तरों पर निम्नलिखित नियंत्रणों का प्रयोग करके सुनिश्चित की जाएगी, अर्थात् :

(i) बारीदी गई सामग्री तथा संघटक नियंत्रण:—

(क) प्रयुक्त किए जाने वाले धटकों ग्रथवा सामग्री के गुणधर्मों को समाविष्ट करते हुए विनिर्माता द्वारा क्रय विनिर्देश अधिकृत किए जाएंगे तथा आने वाले लोटों की प्रनुभूतपता के सुनिश्चित करने के लिए निरीक्षण या परख के पर्याप्त साधन होंगे।

(ख) परेवणों के साथ या तो क्रय विनिर्देशों की ग्रामेशाधारों की पुष्टि करते हुए प्रवाय कर्ता का परीक्षण या निरीक्षण ग्रामाण-पत्र होगा, उस दशा में यदा-कदा होने वाले जाष (अर्थात् साल में हर तीन महीनों में एक बार उसी माल के उसी प्रवाय कर्ता के लिए) विशिष्ट प्रदायकर्ता के लिए श्रेता द्वारा परख या निरीक्षण ग्रामाण-पत्रों की शुद्धता सत्यापित करने के लिए की जाएगी या क्रय किए गए माल या धटकों का या तो कारखाने की ग्रामेशाला में या किसी ग्रन्थ प्रयोगशाला या परीक्षणगृह में नियमित रूप से निरीक्षण या परख की जाएगी।

(ग) किए जाने वाले निरीक्षण या परख के लिए नमूना लेना लेखबद्ध किए गए अन्वेषण पर आधारित होगा।

(घ) निरीक्षण या परीक्षण किए जाने के पश्चात्, स्वीकृत तथा अस्तीकृत माल या धटकों के पृष्ठकरण के लिए तथा अस्तीकृत माल या धटकों के निपटान के लिए व्यवस्थित पद्धतियां अपनाई जाएंगी।

(इ) ऊपर निर्दिष्ट नियंत्रणों के संबंध में विनिर्माता द्वारा पर्याप्त अधिकृत नियमित तथा व्यवस्थित रूप से रखे जाएंगे।

(ii) प्रक्रिया नियंत्रण:

(क) विनिर्माता द्वारा विनिर्माण के विभिन्न प्रक्रियाधारों के लिए विस्तृत प्रक्रिया विनिर्देश अधिकृत किए जाएंगे।

(ख) प्रक्रिया विनिर्देशों में अधिकृत प्रक्रियाधारों के नियंत्रण के लिए उपस्कर, उपकरण तथा सुविधाएं प्राप्त होंगी।

(ग) विनिर्माण की प्रक्रिया के द्वारा प्रयुक्त नियंत्रणों के सत्यापन की संभावनाओं को सुनिश्चित करने के लिए विनिर्माता द्वारा पर्याप्त अधिकृत रखे जाएंगे।

(iii) उत्पाद नियंत्रण:

(क) विनिर्माता के पास अधिनियम की धारा 6 के अधीन मान्य विनिर्देशों के प्रत्युत्तर उत्पाद की परख करने की या तो स्वयं की परख सुविधाएं होंगी या उसकी ग्रन्थ स्थान पर विद्यमान ऐसी परख सुविधाओं तक उसकी पहुंच होगी।

(ख) परख के लिए नमूना लेना (जहां अपेक्षित हो) लेखबद्ध किए गए अन्वेषण पर आधारित होगा।

(ग) की गई परखों के संबंध में, विनिर्माता द्वारा पर्याप्त अधिकृत व्यवस्थित एवं नियमित रूप से रखे जाएंगे।

(iv) परिक्षण नियंत्रण:

(क) उत्पाद को मौसमी दशाओं के प्रतिकूल प्रभावों से सुरक्षित रखने के लिए विनिर्माता विस्तृत विनिर्देश बनाएगा।

(ख) उत्पाद मृदारीकरण एवं अभिवहन, दोनों के द्वारा प्रचली तरह से परिवर्तित किया जाएगा।

(v) मौसम संबंधी नियंत्रण:—

उत्पादन तथा विनिर्माण में प्रयुक्त मापदंडों एवं उपकरणों की कालिक जांच या अंशसोधन किया जाएगा तथा विनिर्माता द्वारा अधिकृत वृत्तकार्ड के रूप में रखे जाएंगे।

(vi) पैकिंग नियंत्रण:—

विनिर्माता नियान किए जाने वाले पैकेजों के लिए विस्तृत पैकिंग विनिर्देश बनाएगा तथा उनका कठोरता से पालन करेगा।

(2) निरीक्षण :

निर्यात के लिए ग्राम्यवादी श्रीधोगिक जंजीरों का विनिर्माण यह वेखने के विवार से किया जाएगा कि क्या ऊपर वर्णित नियंत्रणों का सुसंगत स्तरों पर समाधान-प्रद रूप से प्रयोग किया गया है और श्रीधोगिक जंजीर अधिनियम की धारा 6 के अधीन केन्द्रीय सरकार से मान्यताप्राप्त विनिर्देशों प्रत्याप्त हैं।

(क) विदेशी क्रेता तथा निर्यात-कर्ता के मध्य निर्यात संविदा में प्रनुबद्ध विस्तृत ग्रामेशाधारों सहित विनिर्देश;

(ख) जाण (क) में निर्दिष्ट किसी भी प्रनुबद्ध के अभाव में श्रीधोगिक जंजीरों के लिए भारतीय मानक संस्थान ग्रथवा विदेश के राष्ट्रीय मानकों द्वारा जारी किए गए विनिर्देशों के प्रनुबद्ध हैं।

4. निरीक्षण की प्रक्रिया:—

(1)(i) निर्यात-कर्ता किसी भी अभिकरण को लिखित रूप में सूचना देगा और ऐसी सूचना के साथ एक घोषणा-पत्र भी देगा कि श्रीधोगिक जंजीरों का परेवण नियम 3 में निर्दिष्ट नियंत्रणों के प्रनुबद्ध विनिर्माता नियंत्रण परिमापों का प्रयोग करके निर्मित किया गया है या किया जा रहा है और परेवण उक्त प्रयोजन के लिए मान्यताप्राप्त विनिर्देशों की ग्रामेशाधारों के प्रनुबद्ध है।

(ii) नि ति-कर्ता उसी समय ऐसी सूचना की एक प्रति परिषद् के निकटतम कार्यालय को भेजेगा।

(iii) परिषद् के पाते इस प्रकार हैं:—

प्रधान कार्यालय

निर्यात निरीक्षण परिषद्,
‘वल्ह ट्रड सेन्टर’,

14/1-बी, एजरा स्ट्रीट (श्रावी मंजिल)
कलकत्ता-700001.

क्षेत्रीय कार्यालय

निर्यात निरीक्षण परिषद्,
'मनोहर विल्डिङ्स,
महाराष्ट्र गांधी रोड, एमकुलम,
कोणीत-68204

निर्यात निरीक्षण परिषद्,
'ममन चैम्बर्स, पांचवीं मंजिल,
113, महार्षि कवे रोड,
मुम्बई-400004.

निर्यात निरीक्षण परिषद्,
म्यूनिसिपल मार्केट विल्डिङ्स,
3, सरस्वती मार्ग, पांचवीं मंजिल,
करौल बाग,

नई विल्सी-110005.

- (2) नियर्ति-कर्ता प्रभिकरण को परेवण पर लगाए गए पहचान चिह्न भी देगा।
- (3) उप-नियम (1) के अधीन प्रत्येक सूचना तथा घोषणा विनिर्माता के परिसर या नियर्ति-कर्ता के परिसर से परेवण के बजे जाने से कम से कम भात दिन पहले प्रभिकरण के कार्यालय में पहुंचेगी।
- (4) उप-नियम (1) के अधीन सूचना तथा घोषणा के प्राप्त होने पर, प्रभिकरण,
- (क) ऐसे नियर्ति-कर्ता की दशा में जो स्वयं विनिर्माता है, अपना यह समाधान कर लेने पर कि विनिर्माण की प्रक्रिया के दौरान उसने नियम 3 के अन्तर्गत लिए गए पर्याप्त क्षालिटी नियमों का प्रयोग किया है, तथा इस संबंध में परिषद् द्वारा जारी किए गए अनुदेशों यदि कोई हों, का पालन किया है और इसे लागू होने वाले मानक विनिर्वेशों के अनुसार उत्पाद का विनिर्माण किया है।
- (ख) नियर्ति-कर्ता की दशा में जो स्वयं विनिर्माता नहीं है, अपना यह समाधान कर लेने पर कि विनिर्माण की प्रक्रिया के दौरान विनिर्माता ने उस लागू मानक विनिर्वेशों के अनुसार उत्पाद का विनिर्माण करने के लिए नियम 3 के अधीन यथा उप-वर्णित पर्याप्त क्षालिटी नियमों का प्रयोगन किया है और इस संबंध में परिषद् द्वारा जारी किए गए नियमों, यदि कोई हों, का पालन किया है, निरीक्षण किए जाने के तीन दिन के भीतर मह घोषणा करते हुए प्रमाण-पत्र जारी करेगा कि विनिर्माण की प्रक्रिया नियर्ति घोष्य है :

परन्तु यहाँ प्रभिकरण का इस प्रकार का समाधान नहीं हुआ है, वहाँ वह उस तीन दिनों की अवधि के भीतर ऐसा प्रमाण-पत्र देने से

इन्हाँ कर देग, तथा ऐसे इंकार की याना। उनके कारणों सहित नियर्ति-कर्ता को देग।

5. मान्यताप्राप्त चिह्न का लिपकाना एवं उसकी प्रक्रिया:—

भारतीय मानक संस्थान (प्रमाणीकरण चिह्न) प्रधिनियम, 1952 (1952 का 36), भारतीय मानक संस्थान (प्रमाणीकरण चिह्न) नियम 1955 तथा भारतीय मानक संस्थान (प्रमाणीकरण चिह्न) विभिन्न विभिन्न 1955 के उपबन्ध जहाँ तक हों नियति से पूर्व विनिर्माण जंजीरों पर मान्यता प्राप्त चिह्न या सील के लिपकाने की प्रक्रिया के संबंध में लागू होने वाला इस प्रकार विनियत विनिर्माण जंजीर नियम 4 के अन्तर्गत किसी भी निरीक्षण के प्रक्षेत्र नहीं होगी।

6. निरीक्षण का स्थान:—इन नियमों के अधीन प्रत्येक निरीक्षण विनिर्माता या नियर्ति कर्ता के परिसर पर पोत लदान की बन्दरगाह पर किया जाएगा।

7. निरीक्षण फीस:—प्रत्येक ऐसे परेवण के लिए, न्यूलैटम पञ्चास रूपए के अधीन रहते हुए, पोत पर्याप्त नियुक्त मूल्य के प्रत्येक एक सी रूपए के लिए तीस पैसे की दर से फीस निरीक्षण फीस के रूप में नियर्ति-कर्ता द्वारा प्रभिकरण को नियम 4 के अधीन निरीक्षण के लिए फीस के रूप में दी जाएगी।

8. अपील-(1) प्रभिकरण द्वारा नियम 4 के उप-नियम (4) के अधीन प्रमाण-पत्र देने से इन्हाँ करने से व्यक्ति कोई व्यक्ति, उसके द्वारा ऐसे इंकार की सूचना प्राप्त होने के दस दिन के भीतर अपील केन्द्रीय सरकार द्वारा इस प्रयोगन के लिए नियुक्त विशेषज्ञों के पैनल को कर सकेगा जिसके कम से कम तीन तथा अधिक से अधिक सात व्यक्ति होंगे।

(2) विशेषज्ञों के पैनल की कुल संख्या के बो-तिहाई सदस्य गैर-सरकारी संख्या होंगे।

(3) पैनल की गणना तीन की होगी।

(4) अपील प्राप्त होने के पश्चात् विनियमों के भीतर नियमा दी जाएगी।

अनुसूची

[नियम 3 (1) विविध]

नियमक्रम के स्तर

नियम सं० परख या निरीक्षण की विवेचनाएँ	प्रयोगकारी	परख किए जाने वाले नमूनों की सं०	लॉट आकार	टिप्पणी
1. फल्गुनी सामग्री				
(क) रसायन विश्लेषण	मान्यता प्राप्त मानक विनिर्वेशों के अनुसार	बेतरतीब 5 कुर्चलियों से एक एक नमूना	प्रत्येक प्रदाय कर्ता से प्रत्येक लॉट	
(ख) लिपाएँ				
(ग) चाम्पुष परीक्षा				
(घ) कठोरता/तननसामर्थ्य				
2. संचाटक				
प्रिपाएँ	-वही-	5 नमूने	प्रत्येक आधे छंटे	
कारीगरी तथा फिनियम				
3. उच्चा उपचार	-वही-	10 नमूने	का उत्पादन प्रत्येक आर्ज	
कठोरता की गहराई				
4. समर्जन				
समस्त विधाएँ				
(क) आन्तरिक पर खोड़ाई	-वही-	5 नमूने	प्रत्येक आधे छंटे का उत्पादन	
(ख) बाहरी प्लेटों के बीच की खोड़ाई				
(ग) जंजीर की समाई (भार सिल्हता के पश्चात्)	-वही-	5 नमूने	प्रत्येक छंटे का उत्पादन	

कम सं० परख या निरीक्षण की विधेयताएँ

प्रपेक्षाएँ

परख किए जाने वाले
नमूनों की सं०

सौंठ श्राकार

ट्रिप्पली

5. ट्रैट भार परख

मान्यता प्राप्त मानक
विनिर्देशों के अनुसार

5 नमूने

सभी जजीरें प्रत्येक घटक के लिए उसी
त्राई से भव टकों के साथ समजित।

6. पैकेज

(क) रुप

-बही-

प्रत्येक

प्रभेक्षण परेषण

(ख) पात परख

-बही-

1 संश्या

-बही-

(ग) गोलिंग परख

-बही-

-बही-

-बही-

(घ) जल फुहार परख

-बही-

-बही-

प्रत्येक डिजाइन

पैकेज की अच्छी तरह फिलिंग की जाएगी और देखने में मुन्द्र होगा।

पैकेज यह सुनिश्चित करने के लिए इस प्रकार का होगा कि उसमें रखा माल नीचे दी गई पात-परख, गोलिंग परख तथा जल फुहार परख को सहन करेंगे।

पात परख : (केवल 37 किलो ग्राम तक के भार तक निर्बन्धित करने के लिए) 150 सेंटीमीटर की ऊंचाई से गिराए जाने वाले पैकेज एक बार बड़ी ममतल समृद्ध पर, एक बार सबसे लम्बे किनारे पर और एक बार उसके किसी भी किनारे पर गिराया जाएगा।

गोलिंग परख : (केवल 500 किलो ग्राम तक के भार तक निर्बन्धित करने के लिए) गोलिंग करने वाली पैकेज इसके किसी भी प्रोटर आगे की तरफ तथा 6 मीटर पीछे की प्रोटर या बाहर सीटर एक ही रिशा में रोल किए जाएंगे।

जल फुहार परख : पैकेज एक मिनट के लिए सामान्य या श्राकस्मिकता वा मानसून की बौद्धार के भवित्व जल फुहार में खुला रखा जाएगा।

[सं 6 (26)/76 नि०नि० तथा नि० ड०]

S.O. 1659.—In exercise of the powers conferred by section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby makes the following rules, namely:—

1. Short Title and Commencement.—(1) These rules may be called the Export of Industrial Chains (Quality Control and Inspection) Rules, 1978.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.—In these rules, unless the context otherwise requires,—

(a) "Act" means the Export (Quality Control and Inspection) Act, 1963 (22 of 1963);

(b) "agency" means any one of the agencies established at Bombay, Calcutta, Cochin, Delhi and Madras under section 7 of the Act;

(c) "Industrial Chain" means any steel roller chain, bush chain or leaf link chain of simple or multiple construction used for transmission of power or for mechanical handling in any industrial and other allied field, but shall not include bicycle chains and automotive chains.

3. Quality Control: (1) The quality of the Industrial Chains intended for export shall be ensured by effecting the following controls at different stages of manufacture together with the levels of control as given in the Schedule annexed hereto, namely:—

(i) Bought out materials and components control:—

(a) Purchase specifications shall be laid down by the manufacturer incorporating the properties of materials or components to be used and shall have adequate means of inspection or testing to ensure conformity of the incoming lots.

(b) The accepted consignments shall be either accompanied by a supplier's test or inspection certificate corroborating the requirements of the purchase specification in which case occasional checks (that is to say, once in each quarter of the year for the same supplier of the same material) shall be conducted by the purchaser for a particular supplier to verify the correctness of the aforesaid test on inspection certificates, or the purchased materials or components shall be regularly inspected or tested either in a laboratory in the factory or in some other laboratory or test house.

(c) The sampling for inspection or test to be carried out shall be based on a recorded investigation.

(d) After the inspection or test is carried out, systematic methods shall be adopted in segregating the accepted and rejected materials or components and in disposal of rejected materials or components.

(e) Adequate records in respect of the above mentioned controls shall be regularly and systematically maintained by the manufacturer.

(ii) Process Control :—

(a) Detailed process specifications shall be laid down by the manufacturer for different processes of manufacture.

(b) Equipments, instrumentation and facilities shall be adequate to control the processes as laid down in the process specifications.

(c) Adequate records shall be maintained by the manufacturer to ensure the possibility of verifying the controls exercised during the process of manufacture.

(iii) Product Control:—

- (a) The manufacturer shall either have his own testing facilities or shall have access to such testing facilities existing elsewhere to test the product as per the specifications recognised under section 6 of the Act.
- (b) Sampling (wherever required) for testing shall be based on a recorded investigation.
- (c) Adequate records in respect of tests carried out shall be regularly and systematically maintained by the manufacturer.

(iv) Preservation Control:—

- (a) A detailed specification shall be laid down by the manufacturer to safeguard the product from adverse effects of weather condition.
- (b) The product shall be well preserved both during storage and during transit.

(v) Meteorological Control:—

Gauges and instruments used in the production and inspection shall be periodically checked or calibrated and records shall be maintained in the form of history cards by the manufacturer.

(vi) Packing Control:—

The manufacturer shall lay down a detailed packing specification for export packages and would strictly adhere to the same.

(2) Inspection.—The inspection of Industrial Chains intended for export shall be carried out with a view to seeing that the above mentioned controls have been exercised at relevant levels satisfactorily and that the Industrial Chains conform to the specifications recognised for them under section 6 of the Act, by the Central Government namely:—

- (a) the specifications with detailed requirements as stipulated in the export contract between the foreign buyer and the exporter;
- (b) in the absence of any stipulation referred to in clause (a) the specifications issued by the Indian Standards Institution or National Standards of a foreign country, for Industrial Chains.

4. Procedure of Inspection.—(1) (i) The exporter shall give intimation in writing to any agency and submit along with such intimation a declaration that the consignment of Industrial Chains has been or is being manufactured by exercising quality control measures as per controls referred to in rule 3 and that the consignment conforms to the requirements of the specifications recognised for the purpose;

(ii) The exporter shall at the same time endorse a copy of such intimation to the nearest office of the Council.

(iii) The addresses of the Council are as under:—

Head Office:

Export Inspection Council,
'World Trade Centre'
14/1B, Ezra Street, 7th floor,
Calcutta-700001.

Regional Offices:

Export Inspection Council,
'Manohar Buildings'
Mahatma Gandhi Rd
Ernakulam,
Cochin-682011.

Export Inspection Council,
'Aman Chambers', 4th floor,
113, Maharshi Karve Road,
Bombay-400004.

Export Inspection Council,
'Municipal Market Building',
3, Saraswati Marg, 4th floor,
Karol Bagh,
New Delhi-110005.

(2) The exporter shall also furnish to the agency the identification marks applied on the consignment.

(3) Every intimation and declaration under sub-rule (1) shall reach the office of the agency not less than seven days prior to the despatch of the consignment from the manufacturers' premises or exporter's premises.

(4) On receipt of the intimation and declaration under sub-rule (1) the agency shall—

(a) in the case of an exporter who himself is the manufacturer, on satisfying itself that during the process of manufacture he had exercised adequate quality control as provided under rule 3 and followed the instructions, if any, issued by the Council in this regard and manufactured the product according to the standard specifications applicable to it;

(b) in case of an exporter who is not himself the manufacturer, on satisfying itself that during the process of manufacture the manufacturer had exercised adequate quality control as provided under rule 3 and instructions, if any, issued by the Council in this regard to manufacture the product according to the standard specifications applicable to it;

within three days of carrying out the inspection, issue a certificate declaring the consignment of Industrial Chains as exportworthy :

Provided that where the Agency is not so satisfied, it shall within the said period of three days refuse to issue such certificate and communicate such refusal to the exporter along with the reasons therefor.

5. Affixation of recognised marks and procedure thereof.—The provisions of the Indian Standards Institute (Certification Marks) Act, 1952 (36 of 1952), the Indian Standards Institution (Certification Marks) Rules, 1955 and the Indian Standards Institution (Certification Marks) Regulations, 1955, shall, so far as may be apply in relation to the procedure of this affixation of the recognised mark or seal on Industrial Chains prior to export and Industrial Chains so marked shall not be subjected to any inspection under rule 4.

6. Place of Inspection.—Every inspection under these rules shall be carried out at the premises of the manufacturer or exporter at the port of shipment.

7. Inspection Fee.—A fee at the rate of thirty paise for every hundred rupees of F.O.B. value subject to a minimum of rupees fifty only for each such consignment shall be paid by the exporter to the agency as fee for inspection under rule 4.

8. Appeal.—(1) Any person aggrieved by the refusal of the Agency to issue a certificate under sub-rule (4) of rule 4, may within ten days of the receipt of the communication of such refusal by him, prefer an appeal to a panel of experts consisting of not less than three but not more than seven persons, appointed for the purpose by the Central Government.

(2) At least two-thirds of the total membership of the panel of experts shall consist of non-officials.

(3) The quorum for the panel shall be three.

(4) The appeal shall be disposed of within fifteen days of its receipt.

SCHEDULE
[See rule 3 (i)]
Levels of Control

S.No.	Test or Inspection characteristic	Requirements	No. of samples to be tested	Lot size	Remarks
1.	Raw materials (a) Chemical analysis (b) Dimensions (c) Visual examination (d) Hardness or Tensile strength	As per standard specifications recognised	A sample each from 5 coils at random	Each lot from each supplier	
2.	Components Dimensions, Workmanship and finish	—Do—	5 Samples	Each half and hour's production	
3.	Heat treatment Hardness case depth	—Do—	10 Samples	Each charge	
4.	Assembly Overall demensions (a) Width over inner links				
	(b) Width between outer plates	—Do—	5 Samples	Each half and hour's production	
	(c) Length of chain (after proof loading)	—Do—	5 Samples	Each hour's production	
5.	Breaking Load Test	—Do—	5 Samples	All chains assembled with components from same charge for each component.	
6.	Packing (a) Appearance (b) Drop test (c) Rolling test (d) Water spraying test	—Do— —Do— —Do— —Do—	Each One No. —Do— —Do—	Each consignment —Do— —Do— Each design	

The package shall be well finished and have a good appearance. The package shall be such as to ensure that the inner contents shall withstand Drop test, Rolling test and Water spraying test as given below :

Drop test : (To be restricted to head loads upto 37 kgs. only) : The package to be dropped from a height of 150 cm. once on the largest flat surface, once on the longest edge and once on any corner of its own.

Rolling test : (to be restricted to a weight of 500 kgs. only) : The package to be subjected to rolling on its sides either six metres forward and six metres backward or twelve metres in one direction only.

Water spraying test : The package to be exported to a water spray equivalent to a normal or accidental or monsoon shower for one minute.

[No. 6(26)/76—EI & EP]

का० आ० 1660.—नियाति (क्वालिटी नियंत्रण और निरीक्षण) प्रधिनियम, 1963 (1963 का 22) की धारा 17 द्वारा प्रवस्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार इस्पात के तार के रस्सों के नियाति (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1974 में संपोषण करते के लिए निम्नलिखित नियम बनाती है, प्रथाति:—

1. (1) इन नियमों का नाम इस्पात के तार के रस्सों का नियाति (क्वालिटी नियंत्रण और निरीक्षण) संपोषण नियम, 1978 है:—

(2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. इस्पात की तार के रस्सों का नियाति (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1974 में, नियम 5 में,

(1) उपनियम (4) के स्थान पर निम्नलिखित रखा जाएगा, प्रथाति:—

"(4) उपनियम (i) के अधीन सूचना तथा चोषणा प्राप्त होने पर, प्रभिकरण ग्रपना यह समाधान कर लेने पर कि विनियमाति में विनियमण की प्रक्रिया के दौरान पर्याप्त क्वालिटी नियंत्रण जैसा कि नियम 3 में दिया गया है, रखा है तथा इस प्रयोजन के लिए उत्पाद का इस प्रकार विनियमण करते के लिए कि वह मात्य मानक विनियोगों के प्रतुरूप हो इस संबंध में परिषद् द्वारा जारी किए गए अनुवेशों यदि कोई दो का पालन किया

है, भौत इस प्रयोजन के लिए मात्य मानक विनियोगों से परेण्य की प्रतुरूपता सुनिश्चित करते के लिए भावशक समझी गयी कालिक स्पॉट जांच कर लेने पर सात दिन के भीतर यह धोषणा करते हुए कि इस्पात के तार के रस्सों का परेण्य नियाति-योग्य है, प्रमाण-पत्र देंगा। तथापि यदि विनियमाता नियातिकर्ता नहीं है तो परेण्य वस्तुतः सरापित किया जाएगा तथा ऐसा सत्यापन या निरीक्षण जो आवश्यक हो, या दोषों ही प्रभिकरण द्वारा यह सुनिश्चित करते के लिए किए जाएं कि उपरोक्त दोषों का पालन किया गया है:—

परन्तु यहाँ प्रभिकरण का इस प्रकार का समाधान नहीं हो पाता वहाँ वह उक्त सात दिनों की प्रबंधि के भीतर नियातिकर्ता को यह धोषणा करते हुए प्रमाणपत्र जारी करते से इन्कार कर देगा कि इस्पात के तार के रस्सों का परेण्य नियाति योग्य है तथा ऐसे इन्कार की सूचना उसके कारणों सहित नियातिकर्ता को देगा"

(ii) उप-नियम (5) के स्थान पर, निम्नलिखित रखा जाएगा, प्रथाति:—

"(5) यदि विनियमाता नियातिकर्ता नहीं है तो निरीक्षण की समाप्ति के तुरन्त पश्चात् प्रभिकरण इस्पात के तार के रस्सों के

परेशन को इस ढंग से, यह मुनिपित करने के लिए सील मुहरबन्द अथवा स्टैमिल करेगा कि वस्तुओं के साथ छेड़-छाड़न की जा सके। परेशन की अस्वीकृति की दशा में यदि नियंत्रित कर्ता ऐसा आहे तो परेशन अधिकरण द्वारा सील मोहर बन्द अथवा स्टैमिल नहीं किया जाएगा : तथापि ऐसे भागों में, नियंत्रित कर्ता अस्वीकृत के विरुद्ध कोई अधीक्षण करने का अधिकारी नहीं होगा।"

(iii) उपनियम (6) का लोप किया जाएगा।

[सं 6(20)/71-निं. तथा ० निं. ०]

सी० श्री० मुकरेती, संयुक्त निवेशक

S.O. 1660.—In exercise of the powers conferred by section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby makes the following rules to amend the Export of Steel Wire Ropes (Quality Control and Inspection) Rules, 1974 namely :—

1. (1) These rules may be called the Export of Steel Wire Ropes (Quality Control and Inspection) Amendment Rules, 1978.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Export of Steel Wire Ropes (Quality Control and Inspection) Rules, 1974, in rule 5,—

(i) for sub-rule (4) The following shall be substituted, namely :—

"(4) On receipt of the intimation and declaration under Sub-rule (i), the agency on satisfying itself that during the process of manufacture, the manufacturer had exercised adequate quality control as provided under rule 3 and the

instructions, if any, issued by the Council in this regard to manufacture the product to conform to the standard specifications recognised for the purpose, and upon carrying out periodic spot checks, as deemed necessary to ensure conformity of the consignment to the standard specifications recognised for the purpose, shall within 7 days issue a certificate declaring the consignment of Steel Wire Ropes as export-worthy. However, in cases where the manufacturer is not the exporter, the consignment shall be physically verified and such verification or inspection as necessary, or both shall be carried out by the agency to ensure that the above conditions are complied with :

Provided that where the agency is not so satisfied, it shall within the said period of 7 days, refuse to issue a certificate to the exporter declaring the consignment of Steel Wire Ropes as export-worthy and communicate such refusal to the exporter along with the reasons therefor."

(ii) for Sub-rule (5), The following shall be substituted, namely :—

(5) In cases where the manufacturer is not the exporter, after completion of inspection the agency shall immediately seal stamp or stencil the consignment of Steel Wire Ropes in a manner as to ensure that the goods cannot be tampered with. In case of rejection of a consignment, if the exporter so desires, the consignment may not be sealed, stamped, or stenciled by the agency; but in such cases, however, the exporter shall not be entitled to prefer an appeal against the rejection".

(iii) Sub-rule (6) shall be omitted.

[No. 6(20)/71-EI&EP]
C. B. KUKRETI, Jr. Director

भारतीय मानक संस्थान

मई विस्ती, 1978-05-23

कानून 1661 समय समय पर संशोधित भारतीय मानक संस्था (प्रमाणन चिह्न) नियम 1955 के नियम 4 के उपनियम (1) के अनुनार भारतीय मानक संस्था द्वारा अधिसूचित किया जाता है कि संस्था ने एक मानक चिह्न निर्धारित किया है जिसकी डिजाइन और मासिक विवरण तथा भारतीय मानक के शीर्षक सहित अनुसूची में दी गई है :

भारतीय मानक संस्था (प्रमाणन चिह्न) अधिनियम 1952 और उसके अधीन बने नियमों के निमित्त यह मानक चिह्न 1978-03-01 से लागू होगी :

अनुसूची

क्रम सं० मानक चिह्न की उत्पाद/उत्पाद की श्रेणी डिजाइन	तत्सम्बन्धी भारतीय मानक की संख्या और मानक की डिजाइन का शाविक विवरण शीर्षक	(1)	(2)	(3)	(4)	(5)
1. IS. 8423	आग बुझाने के लिए प्रयुक्त नियंत्रित IS:8423-1977 आग बुझाने के लिए प्रयुक्त नियंत्रित रिसन वाले होज की डिफिल्ट	भारतीय मानक संस्था का मोनोप्राप्त जिसमें 'ISI' मर्क होते हैं, संख्या (2) में दिखाई गई मौली और प्रनुपात में तैयार किया गया है और जैसा डिजाइन में विख्यात गया है उस मोनोप्राप्त के ऊपर और भारतीय मानक की पदसंलग्न दी गई है।	IS 8423	IS 8423		

[सं ० सीएमडी/13:9]

[Indian Standards Institution]

New Delhi, the 1978-05-23

S.O. 1661.—In pursuance of sub-rule (1) of rule 4 of the Indian Standards Institution (Certification Marks) Rules, 1955 the Indian Standards Institution, hereby notifies that the Standard Mark design of which together with the verbal description of the design and the title of the relevant Indian Standard is given in the Schedule hereto annexed, has been specified.

This Standard Mark for the purpose of the Indian Standards Institution (Certification Marks) Act, 1952 and the Rules and Regulations framed thereunder, shall come into force with effect from 1978-03-01 :

SCHEDULE

Sl. No.	Design of the Standard Mark	Product/Class of Product	No. and Title of the Relevant Indian Standard	Verbal description of the Design of the Standard Mark
1. IS : 8423		Controlled percolating hose for fire fighting	IS : 8423-1977 Specification for controlled percolating hose for fire fighting	The monogram of the Indian Standards Institution, con- sisting of letters 'ISI', drawn in the exact style and relative proportions as indicated in Col. (2); the number of the Indian Standard being supers- cribed on the top side of the monogram as indicated in the design.

[No. CMD/13 : 9]

का० आ० 1662.—भारतीय मानक संस्था (प्रमाणन् चिह्न) विनियम 1955 के उपविनियम (8) के प्रत्युत्तर भारतीय मानक संस्था द्वारा अधिसूचित किया जाता है कि जुआ (योक) टाइप वाल्व कनेक्शनों की प्रति इकाई मुहर लगाने की फीस अनुसूची में दिए गए और के प्रत्युत्तर निर्धारित की गई की गई है और यह फीस 1978-02-01 से लागू होगी।

अनुसूची

क्रम सं०	उत्पाद/उत्पाद की श्रेणी	तत्सम्बन्धी मानक की संख्या और शीर्षक	इकाई	प्रति इकाई मुहर लगाने की फीस
(1)	(2)	(3)	(4)	(5)
1.	जिकिसा गैस सिलेंडरों के जुआ	IS : 3745-1966 जिकिसा गैस सिलेंडरों के एक वाल्व टाइप के वाल्व कनेक्शन की विशिष्टि		(1) पहली 30000 इकाईयों के लिए 10 पैसे प्रति इकाई, और (2) 30001 वीं और उसमें ऊपर की इकाईयों के लिए 5 पैसे प्रति इकाई।
	टाइप के वाल्व कनेक्शन			

[संख्या सीएमडी/13 : 10]

S.O. 1662.—In pursuance of sub-regulation (3) of regulation 7 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution, hereby, notifies that the marking fee per unit for Yoke type valve connections details of which are given in the Schedule hereto annexed, has been determined and the fee shall come into force with effect from 1978-02-01 :

SCHEDULE

Sl. No.	Product/Class of Product	No. and Title of Relevant Indian Standard	Unit	Marking Fee per Unit
(1)	(2)	(3)	(4)	(5)
1.	Yoke type valve connections for medical gas cylinders	IS : 3745-1966 Specification for yoke type valve connections for medical gas cylinders	One Valve	(i) 10 Paise per unit for the first 30000 units and (ii) 5 Paise per unit for the 30001st unit and above.

[No. CMD/13 : 10]

का०आ० 1663.—भारतीय मानक संस्था (प्रमाणन् चिह्न) विनियम 1955 के उपविनियम (2) के प्रत्युत्तर भारतीय मानक संस्था द्वारा अधिसूचित किया जाता है कि लकड़ा में इंजेक्शन लगाने की सिरिंजों की प्रति इकाई मुहर लगाने की फीस अनुसूची में दिए गए और के प्रत्युत्तर निर्धारित की गई है। यह फीस 1977-02-16 लागू होगी।

अनुसूची

क्रम सं०	उत्पाद/उत्पाद की श्रेणी	तत्सम्बन्धी मानक की संख्या और शीर्षक	इकाई	प्रति इकाई मुहर लगाने की फीस
(1)	(2)	(3)	(4)	(5)
1.	लकड़ा में इंसुलिन और द्रवर कुलिन के इंजेक्शन लगाने की सिरिंज	IS : 3237-19765 लकड़ा में इंसुलिन और द्रवर- कुलिन के इंजेक्शन लगाने की सिरिंजों की विशिष्टि	100 सिरिंज	रु० 1.00

[संख्या सीएमडी/13 : 10]

S.O. 1663—In pursuance of sub-regulation (3) of regulation 7 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution, hereby, notifies that the marking fee per unit for hypodermic syringes details of which are given in the Schedule hereto annexed, has been determined and the fee shall come into force with effect from 1977-02-16 :

SCHEDULE

Sl No	Product/Class of Product	No. and Title of Relevant Indian Standard	Unit	Marking Fee per Unit
(1)	(2)	(3)	(4)	(5)
1	Hypodermic syringes for insulin and tuberculin injection	IS : 3237-1965 Specification for hypodermic syringes for insulin and tuberculin injection	100 Syringes	Rs. 1.00

[No. CMD/13 : 10]

का० आ० 1664—भारतीय मानक संस्था (प्रमाणन चिह्न) नियम 1955 के उपनियम 7 के उपनियम (2) के अनुसार भारतीय मानक संस्था द्वारा अधिसूचित किया जाता है कि नियमित रिपोर्ट वाले होज की प्रति इकाई मुहर लगाने की फीस अनुसूची में दिए गए व्यौरे के अनुसार निर्धारित की गई है। यह फीस 1978-03-01 से लागू होगी।

अनुसूची

क्रम सं०	उत्पाद/उत्पाद की श्रेणी	तत्सम्बन्धी मानक की संस्था और शीर्षक	इकाई	प्रति इकाई मुहर लगाने की फीस
(1)	(2)	(3)	(4)	(5)

1 आग बुझाने में प्रयुक्त नियमित रिपोर्ट IS 8423-1977 आग बुझाने में प्रयुक्त नियमित रिपोर्ट वाले होज की विविधि	तत्सम्बन्धी मानक की संस्था और शीर्षक	100 मीटर	(1) पहली 50000 इकाईयों के लिए 5.00 रुपए प्रति इकाई और (2) 50001 वीं और उससे ऊपर की इकाईयों के लिए 2.00 रुपया प्रति इकाई।
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[सं० सीएमडी/13 : 10]

S.O. 1664.—In pursuance of sub-regulation (3) of regulation 7 of the Indian Standards Institution (Certification Marks) Regulations 1955, the Indian Standards Institution, hereby, notifies that the marking fee per unit for controlled percolating hose details of which are given in the Schedule hereto annexed, has been determined and the fee shall come into force with effect from 1978-03-01 :

SCHEDULE

Sl. No.	Product/Class of Product	No. and Title of Relevant Indian Standard	Unit	Marking Fee per Unit
(1)	(2)	(3)	(4)	(5)
1.	Controlled percolating hose for fire fighting	IS : 8423-1977 Specification for controlled percolating hose for fire fighting	100 Metres	(i) Rs. 5.00 per unit for the first 50000 units and (ii) Rs. 2.00 per unit for the 50001st unit and above

[No. CMD/13 : 10]

का०आ० 1665—समय समय पर संशोधित भारतीय मानक संस्था (प्रमाणन चिह्न) नियम 1955 के नियम 4 के उपनियम (1) के अनुसार भारतीय मानक संस्था द्वारा अधिसूचित किया जाता है कि संस्था ने एक मानक चिह्न निर्धारित किया है जिसकी डिजाइन और शाविक विवरण तथा भारतीय मानक के शीर्षक सहित अनुसूची में दिए गए हैं।

भारतीय मानक संस्था (प्रमाणन चिह्न) अधिनियम 1952 और उसके प्रधान बने नियमों के निमित्त ये मानक चिह्न 1977-02-16 से लागू होगा।

अनुसूची

क्रम सं०	मानक चिह्न की उत्पाद/उत्पाद की श्रेणी	तत्सम्बन्धी भारतीय मानक की संस्था और मानक की डिजाइन का शाविक विवरण	इकाई	
(1)	(2)	(3)	(4)	(5)
1	IS 3237	त्वचा में इसुलिन और ट्रवरकुलिन इजेक्शन ट्यूब्स की सिरिज	IS 3237-1965 त्वचा में इसुलिन और ट्रवरकुलिन इजेक्शन लगाने की सिरिजों की विविधि	भारतीय मानक संस्था का मीनोप्राम जिसमें 'IS' शब्द होते हैं, स्टम्प (2) में इकाई गई शैली और अनुमात में तैयार किया गया है और जैसा डिजाइन में दिखाया गया है उस मोनो-प्राम के बाइ और भारतीय मानक की पद-संस्था दी गई है।

[सं० सीएमडी/13 : 9]

वाई. एस वैक्टोरियर, अपर महानिवेशक



18-2237

S.O. 1665.—In pursuance of sub-rule (1) of rule 4 of the Indian Standards Institution (Certification Marks) Rules, 1955 the Indian Standards Institution, hereby notifies that the Standard Mark design of which together with the verbal description of the design and the title of the relevant Indian Standards is given in the Schedule hereto annexed, has been specified.

This Standard Mark for the purpose of the Indian Standards Institution (Certification Marks) Act, 1952 and the Rules and Regulations framed thereunder, shall come into force with effect from 1977-02-16 :

SCHEDULE

Sl. No.	Design of the Standard Mark	Product/Class of Product	No. and Title of the Relevant Indian Standard	Verbal description of the Design of the Standard Mark
(1)	(2)	(3)	(4)	(5)
1.		Hypodermic syringes for insulin and tuberculin injection	IS : 3237-1965 Specification for hypodermic syringes for insulin and tuberculin injection	The monogram of the Indian Standards Institution, consisting of letters 'ISI', drawn in the exact style and relative proportions as indicated in Col. (2); the number of the Indian Standard being superscribed on the left hand side of the monogram as indicated in the design.

[NO CMD/13 : 9]

Y. S. Venkateswaran, Additional Director General

स्वास्थ्य और परिवार कल्याण मंत्रालय

स्वास्थ्य विभाग

मई दिल्ली 26 मई, 1978

का० आ० 1666.—स्वास्थ्य प्रमित्रण निवारण अधिनियम, 1954 (1954 का 37) की धारा 3 की उपधारा (2) के खण्ड (ब) के अनुसरण में वाणिज्य मंत्रालय ने अपने मंत्रालय के श्री सी० बी० कुकरेती, उप निवेशक को श्री के० पी० बालसुब्रामण्यन के स्थान पर केन्द्रीय बाबू मास्क समिति का सदस्य नामनिविष्ट किया है;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 3 की उपधारा (1) द्वारा प्रवत्त गणितों का प्रयोग करते हुए, यह निरेश करती है कि भारत सरकार के भूतपूर्व स्वास्थ्य और परिवार नियोजन मंत्रालय (स्वास्थ्य विभाग) की अधिकारी स० का० प्रा० 276 (अ) तारीख 1 अप्रैल, 1976 में निम्नलिखित संघोषन और करती है, अधिकृतः—

उक्त अधिकारी स्थान में “धारा 3 की उपधारा (2) के खण्ड (ब) के अधीन नाम निर्देशित सदस्य” शीर्ष के नीचे क्रम सं० (3) के सामने की प्रविष्टि के स्थान पर “श्री सी० बी० कुकरेती, उप निवेशक, वाणिज्य मंत्रालय, नई दिल्ली” प्रविष्टि रखी जाएगी।

[सं० बी० 15016/1/76-डी०एम०एस भीर पी एफ ए
[भाग II]
बी० पंचापकेशन, भवर सचिव

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health)

New Delhi, the 26th May, 1978

S.O. 1666.—Whereas in pursuance of clause (d) of sub-section (2) of section 3 of the Prevention of Food Adulteration Act, 1954 (37 of 1954), the Ministry of Commerce have nominated Shri C. B. Kukreti, Deputy Director in that Ministry, as a member of the Central Committee for Food Standards vice Shri K. V. Balasubramanian, who resigned;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the said Act, the Central Government hereby directs that the following further amendment shall be made in the notification of the Government of India in the late Ministry of Health and Family Planning

(Department of Health), No. S.O. 276(E) dated the 1st April, 1976, namely:—

In the said notification, under the heading “Members nominated under clause (d) of sub-section (2) of section 3”, for the entry, the entry “Shri C. B. Kukreti, Deputy Director, Ministry of Commerce, New Delhi” shall be substituted.

[No. P. 15016/1/76-DMS&PFA(Pt. II)]
G. PANCHAPAKESAN, Under Secy.

मई दिल्ली, 25 मई 1978

का० आ० 1667.—सरकारी स्थान (प्राप्तिकृत प्रधिभोगियों की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रवत्त गणितों का प्रयोग करते हुए केन्द्रीय सरकार इसके द्वारा डा० बी० एल० बृद्ध, उपनिदेशक, राष्ट्रीय संचारी रोग संस्थान, 22-शामनाथ मार्ग, दिल्ली को सरकार के एक राजपत्रित अधिकारी होने के नाते उक्त अधिनियम के प्रयोगनों के लिए सम्पूर्ण अधिकारी के पद पर नियुक्त करती है और निवेश देती है कि उक्त अधिकारी राष्ट्रीय संचारी रोग संस्थान, 22 शामनाथ मार्ग दिल्ली से और उसके प्रशासकीय नियंत्रण से संबंधित या पट्टे पर लिए गये या उक्त संस्थान की ओर से लिए गये स्थानों के बारे में उक्त अधिनियम के द्वारा या उसके अन्तर्गत सम्बन्ध अधिकारियों को शीर्ष समितियों का प्रयोग करेगा और सौंपे गये कर्तव्यों को करेगा।

[संख्या डी० 17020/12/77-सी० सी० डी०]
आनन्द प्रकाश अड्डी, उप सचिव

New Delhi, the 25th May, 1978

S.O. 1667.—In exercise of the powers conferred by Section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints Dr. B. L. Wattal, Deputy Director at the National Institute of Communicable Diseases, 22-Shamnath Marg, Delhi, being a Gazetted Officer of the Government, as Estate Officer for the purposes of the Act, and directs that the said officer shall exercise the powers conferred and perform the duties imposed on Estate Officer by or under the said Act, in respect of the premises belonging to or taken on lease by or on behalf of the National Institute of Communicable Diseases, 22, Shamnath Marg, Delhi and under the administrative control of the said Institute.

[No. T. 17020/12/77-CCD]
ANAND PRAKASH ATRI, Dy. Secy.

हृषि और सिंचाई मंत्रालय
(हृषि विभाग)

नई दिल्ली, 26 मई, 1978

का० आ० 1668.—पशु कूरता निवारण अधिनियम, 1960 (1960 का 59) के बाल 5 के उपबंध (1) के उपर्योग के अल्पगत केन्द्रीय सरकार एवं द्वारा आ० बी० पी० बोस, सहायक महानिवेशक (लोक स्वास्थ्य) देश महानिवेशालय को आ० पी० एन० सहगल के स्थान पर पशु कल्याण बोर्ड का सदस्य नामजद करती है, जैसा कि नीचे दिया गया है—

नाम	तारीख	अवधि	श्रेणी
1. आ० बी० पी० बोस	तारीख	3 वर्ष	बाल 5(1) (ए) दौषध संबंधी आधुनिक पद्धति के प्रतिनिधि

[सं० 14-27/73-एल बी० I]
आर० एस० सूद, प्रबन्ध सचिव

MINISTRY OF AGRICULTURE & IRRIGATION

(Department of Agriculture)

New Delhi, the 26th May, 1978

S.O. 1668.—Under provisions of sub-section (1) of Section 5 of the Prevention of Cruelty to Animals Act, 1960 (59 of 1960) the Central Government hereby nominates Dr.B.P.Bose, Assistant Director General (Public Health), Directorate General of Health Services in place of Dr.P.N.Sehgal to be the member of the Animal Welfare Board as under :—

Name	Date	Period	Category
1. Dr. B.P. Bose	Immediate effect	3 years	Section 5(1) (d) —Representing the Modern System of Medicine.

(No. 14-27/73-LD. I)
R. S. SOOD, Under Secy.

नौवहन और परिवहन मंत्रालय
(परिवहन वकार)

नई दिल्ली, 26 मई, 1978

का० आ० 1669.—नौवहन विकास निधि समिति (सामान्य) नियम 1960 के नियम 3 के साथ पठित आपार पोत अधिनियम, 1958 (1958 का 44) की धारा 15 को उन्धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एवं द्वारा नौवहन विकास निधि समिति के सचिव भी ठी० एस० हृष्णामूर्ति को इस प्रधिसूचना के राजपत्र में प्रकाशन की तारीख से उक्त समिति का सदस्य नियुक्त करती है।

[सं० एम०एस० बी०-23/78-एम०डी०]

श्रीमती बी० निमंत्स, भवर सचिव

MINISTRY OF SHIPPING & TRANSPORT
(Transport Wing)

New Delhi, the 26th May, 1978

S.O. 1669.—In exercise of the powers conferred by sub-section (1) of section 15 of the Merchant Shipping Act, 1958 (44 of 1958) read with rule 3 of the Shipping Development Fund Committee (General) Rules, 1960, the

216 G I/78-5

Central Government hereby appoints Shri T. S. Krishna Murthy, Secretary, Shipping Development Fund Committee, as a member of the said committee with effect from the date of the publication of this notification in the Official Gazette.

[No. MSD-23/78-MD]

Mrs B. NIRMAL, Under Secy.

निर्माण और आवास मंत्रालय

नई दिल्ली, 22 मई, 1978

का० आ० 1670.—केन्द्रीय सरकार, सरकारी स्थान (प्राधिकृत ग्रधिमीयों की बेवजाही) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत के राजपत्र, भाग 2, खण्ड 3, उपबंध (ii), तारीख 18 सितम्बर, 1976 में प्रकाशित, भारत सरकार के निर्माण प्रबन्ध आवास मंत्रालय की प्रधिसूचना सं० का०आ० 3342, तारीख 28 अगस्त, 1976 को अधिकृत करते हुए नीचे की सारणी के स्तर (1) में विणिष्ठ अधिकारी को जो सरकार का राजपत्रित अधिकारी है, उक्त प्रधिनियम के प्रयोजनों के लिए सम्पदा अधिकारी नियुक्त करते हुए, जो उक्त सारणी के स्तर (2) में विनिष्ठित सरकारी स्थानों के प्रयोगों की बाबत अपनी अधिकारिता की स्थानीय सीमाओं के भीतर, उक्त प्रधिनियम द्वारा या उसके अधीन सम्पदा अधिकारी को प्रदत्त शक्तियों का प्रयोग और प्रधिरोपित कर्तव्यों का पालन करेगा।

सारांश

अधिकारी का पदामिदान	सम्पदा स्थानों के प्रबन्ध और अधिकारिता की स्थानीय सीमाएँ
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(1) (2)

सम्पदा अधिकारी, उत्तर रेलवे,	(1) समस्त उत्तर रेलवे की स्थानीय सीमाओं के भीतर स्थित उत्तर रेलवे के प्रशासनिक नियंत्रणाधीन सरकारी स्थान।
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(2) नगरपालिका सं० 6492 वाला मकान, कनाट प्लेस, नई दिल्ली और दुकान सं० 8एफ (नगरपालिका सं० 5690) का भाग, कनाट प्लेस, नई दिल्ली।
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(भारत सरकार के सम्पदा अधिकारी के आवेदन सं० 68-ई०मो० 7/प्रधिप्रहण 48, तारीख 20 नवम्बर, 1948 द्वारा प्रधिप्रहण)

[का० सं० 1/2/68-प्रधिप्रहण]
प्राई० चौधरी, सम्पदा निवेशक

MINISTRY OF WORKS AND HOUSING

New Delhi, the 22th May, 1978

S.O. 1670.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971) and in supersession of the notification of the Government of India in the Ministry of Works and Housing No. S.O. 3342 dated the 28th August, 1976 published in the Gazette of India Part-II section-3, sub-section (ii) dated the 18th September 1976, the Central Government hereby

appoints the officer mentioned in column (1) of the Table below, being a Gazetted Officer of Government, to be estate officer for the purposes of the said Act, who shall exercise of the powers conferred and perform the duties imposed, on the estate officer by or under the said Act, within the local limits of his jurisdiction in respect of the categories of public premises specified in column (2) of the said Table.

TABLE

Designation of officer	Category of public premises and local limits of jurisdiction
(1)	(2)
Estate officer, Northern Railway New Delhi.	(i) Public Premises under the administrative control of the Northern Railway situated within the local limits of the entire Northern Railway. (ii) House bearing Municipal No. 6492-Connaught Place, New Delhi and part of shop No. 6-F (Municipal No. 5690) Connaught Place, New Delhi (Requisitioned by the order of the Government of India, Estate Office, No. 68-E-O-VII/-Reqn. 48, dated the 20th Nov. 1948).

[F. No. 1/2/68-Reqn.
I. CHAUDHURI,
Director of Estates]

दिल्ली विकास प्राधिकरण

(आवास विभाग)

नई दिल्ली, 3 मई, 1978

का० आ० 1671.—दिल्ली डैवलमेंट एक्ट 1957 (1957 की सं० 61) की धारा 57 तथा कार्यालय आवेदन सं० एफ० 1(1)/68-एच० बी० पार्ट-II विनांक 13-5-71 के अधिक संशोधन के अन्तर्गत बनाये गये दिल्ली विकास प्राधिकरण (आवासीय क्षेत्रों की व्यवस्था एवं निवासन) नियम 1968 के नियम 4 द्वारा मुझे प्रदत्त अधिकारों का प्रयोग करते हुए मैं एम० एन० बृज, उपाध्यक्ष, वि० वि० प्रा० एतद्वारा समस्त आवासीय अधिकारियों (आवास) को दिल्ली विकास प्राधिकरण की प्रोट से उन नियमों के अन्तर्गत समस्त भ्रान्ति (करात्मा) निष्पादित करने के अधिकार प्रदान करता हूँ।

[सं० एफ० 1(1)/68-एच० बी० पार्ट-II]

DELHI DEVELOPMENT AUTHORITY

(Housing Department)

New Delhi, the 3rd May, 1978

S.O. 1671.—In exercise of the powers vested in me by regulation 3 of the Delhi Development Authority (Management and Disposal of Housing Estates), Regulations, 1968, framed under section 57 of the Delhi Development Act (No. 61 of 1957), and in partial modification of Order No. F. 1(1)/68-HB. Pt. II dated 13th May, 1971, I, M. N. Buch, Vice-Chairman, Delhi Development Authority,

hereby delegate all powers to administer the said regulations also to the Commissioner (Housing) and the Deputy Commissioner (Housing), Delhi Development Authority subject to the general guidance and resolutions of the Delhi Development Authority.

[No. F. 1(1)/68-HP. Pt. III]

का० आ० 1672.—दिल्ली डैवलमेंट एक्ट 1957 (1957 की सं० 61) की धारा 57 तथा कार्यालय आवेदन सं० एफ० 1(1)/68-एच० बी० पार्ट-II विनांक 13-5-71 के अधिक संशोधन के अन्तर्गत बनाये गये दिल्ली विकास प्राधिकरण (आवासीय क्षेत्रों की व्यवस्था एवं निवासन) नियम 1968 के नियम 4 द्वारा मुझे प्रदत्त किये गये अधिकारों का प्रयोग करते हुए मैं एम० एन० बृज, उपाध्यक्ष, वि० वि० प्रा० एतद्वारा समस्त आवासीय अधिकारियों (आवास) को दिल्ली विकास प्राधिकरण की प्रोट से उन नियमों के अन्तर्गत समस्त भ्रान्ति (करात्मा) निष्पादित करने के अधिकार प्रदान करता हूँ।

[सं० 1(1)/68-एच० बी० पार्ट-II]

S.O. 1672.—In exercise of the powers vested in me by regulation 4 of the Delhi Development Authority (Management and Disposal of Housing Estates) Regulations, 1968, framed under section 57 of the Delhi Development Act, 1957 (No. 61 of 1957) and in partial modifications of Office Order No. F. 1(1)/68-HP. Pt. II dated 13-5-1971 I, M. N. Buch, Vice-Chairman, Delhi Development Authority, hereby authorise all Executive Officers (Housing) to execute all agreements under those regulations on behalf of Delhi Development Authority.

[No. 1(1)/68-HB. Pt. III]

का० आ० 1673.—दिल्ली डैवलमेंट एक्ट 1957 (1957 की सं० 61) की धारा 57 के अन्तर्गत बनाये गये दिल्ली विकास प्राधिकरण (आवासीय क्षेत्रों की व्यवस्था एवं निवासन) नियम 1968 के नियम 21 द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए मैं एम० एन० बृज, उपाध्यक्ष वि० वि० प्रा० एतद्वारा उपायुक्त (आवास) को दिल्ली डैवलमेंट एक्ट 1957 की धारा 44 के अन्तर्गत सम्पत्तियों के आवंटन के संबंध में भ्रान्ति प्राप्त करने के लिए सूचना जारी करने के अधिकार प्रदान करता हूँ।

[सं० एफ० 1(1)/68-एच० बी० पार्ट-II]

एम० एन० बृज, उपाध्यक्ष
दिल्ली विकास प्राधिकरण

S.O. 1673.—In exercise of the powers vested in me by regulation 21 of the Delhi Development Authority (Management and Disposal of Housing Estates) Regulations, 1968, framed under section 57 of the Delhi Development Act, 1957 (No. 61 of 1957), I, M. N. Buch, Vice-Chairman, Delhi Development Authority, hereby authorise the Deputy Commissioner (Housing) to cause public notices to be issued, in the manner prescribed under section 44 of the Delhi Development Act, 1957, for inviting application for the allotment of properties.

[No. 1(1)/68-HB. Pt. III]

M. N. BUCH, Vice-Chairman, DDA

शिक्षा तथा समाज कल्याण मंत्रालय

(शिक्षा विभाग)

नई दिल्ली, 23 जून 1978

का० आ० 1674.—शिक्षा तथा समाज कल्याण मंत्रालय (शिक्षा विभाग) में भारत सरकार के सचिव-संयुक्त राष्ट्र (विशेषाधिकार तथा छूट) अधिनियम, (1947 1947 का 46) की धारा 3 द्वारा प्रदत्त अधिकारों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा यह घोषित करती है कि उक्त अधिनियम की भ्रान्ति (वी) की V धारा 18

के उपर्युक्त भावस्थक परिवर्तनों के साथ राष्ट्रमण्डल सचिवालय द्वारा स्थापित, राष्ट्रमण्डल एशिया प्रशान्त युवक विकास केन्द्र चष्टीगढ़ तथा अस्तराच्छ्रीय भावानार पर भर्ती किए गए राष्ट्रमण्डल एशिया प्रशान्त युवक विकास केन्द्र चष्टीगढ़ के भारतीय निवेशक पर भी निम्नलिखित संशोधन के साथ लागू होंगे, भर्तीत् :—

धारा 18 के परिच्छेदों के स्थान पर निम्नलिखित परिच्छेद प्रति-स्थापित किए जाएंगे, भर्तीत् :—

(क) राष्ट्र मण्डल एशिया प्रशान्त युवक विकास केन्द्र, चष्टीगढ़।

(1) केन्द्र का अपना कानूनी व्यक्तित्व होगा और अपने कार्यों को असाने के लिए आवश्यक कानूनी क्षमता होगी। निम्नलिखित सीमाओं को छोड़कर इसे मुकदमे तथा कानूनी प्रक्रिया से छूट होगी।

(क) जब स्पष्ट रूप से नियंत्रण हटाया गया हो क्योंकि कार्यों के हित में ही केन्द्र के कर्मचारियों को विशेषाधिकार और छूट स्वेच्छाकार की गई है त कि अलग-अलग व्यक्तियों के निजी लाभ के लिए। राष्ट्रमण्डल सचिवालय के महासचिव प्रथवा वह कोई भी व्यक्ति जो उस समय उनके कार्यों को कर रहा हो का यह अधिकार और कर्तव्य हीगा कि वह स्टाफ के किसी भी सदस्य के मामले में छूट को समाप्त कर दें, यदि उसके विचार में ऐसी छूट व्याप्त के मार्ग में बाधक बन सकती है और यह छूट उस प्रयोजन को भी कोई त्रुटि पहुंचाए बिना समाप्त की जा सकती है, जिसके लिए यह छूट दी गई थी। फिर, यदि किसी भी कार्यवाही में यह प्रश्न उठता है कि क्या कोई व्यक्ति इस करार के अन्तर्गत किसी विशेषाधिकार अथवा छूट का हक्कार है या नहीं तो उस अवस्था में विश्वा तथा सामाजिक संवालय में भारत सरकार के सचिव प्रथवा उनके द्वारा प्राधिकृत किसी घटिकारी द्वारा उस प्रश्न से सम्बन्धित कोई तथ्य बताते हुए जारी किया गया प्रमाणपत्र, उस तथ्य का निर्णयिक रूप से प्रमाण होगा। केन्द्र व्याप्त की उपयुक्त व्यवस्था को सुकार बनाने, पुलिस विनियमों का अनुशासन करवाने तथा इस करार में अभिव्यक्त विशेषाधिकारों, छूटी विमुक्तियों और सुविधाओं का किसी प्रकार का दुरुपयोग रोकने के लिए हर समय भारत सरकार के उपयुक्त प्राधिकारियों के साथ सहयोग भी करेगा।

(ख) मोटर दुर्घटना और मोटर यातायात अपराध।

(ग) जब लिखित संविदाओं के सम्बन्ध में मधास्थता की कार्यवाही की जाए जिसके लिए केन्द्र द्वारा किए गए सभी संविदाओं में अनिवार्य माध्यवस्थ निर्णय की भार्ती सम्प्रिलिपि की जाएगी तथा करार करने की क्षमता के विशिष्ट निर्देश का उल्लेख राष्ट्रमण्डल सचिवालय के साथ करार में किया जाएगा।

(2) केन्द्र द्वारा अपने कार्यों के प्रयोजनों के लिए आवश्यक समान जिसमें पुस्तकों और प्रकाशन, फरीचर और साजन-सज्जा का सामान, ऐखन मामी और कार्यालय उपस्कर, गाड़ियों और बिजली के उपकरणों आदि भी शामिल होंगे पर सीमा शुल्क की छूट होगी यथाते कि ऐसी छूट के अन्तर्गत आयात किया गया सामान भारत में बेचा नहीं जाएगा। सिवाय उन शर्तों के अन्तर्गत जिन पर भारत सरकार सहमत हों। अपने कार्यों के प्रयोजनों के लिए केन्द्र द्वारा भारत में खरीदी गई गाड़ियों पर भी क्रय कर तथा व्यव्य शुल्कों की छूट होगी।

(iii) केन्द्र को प्रत्यक्ष करने से छूट होगी। तथापि केन्द्र को उन करों से छूट नहीं मिलेगी जो वास्तव में जन सेवा उपयोगिता के लिए ही समान हैं।

(iv) केन्द्र बैंक द्वारे तथा निधियों और विदेशी मुद्रा उस सीमा तक रख सकेगा जो प्रासंगिक नियमों के अन्तर्गत अनुदान हों।

(ख) भारतीय निवेशक :

(i) मोटर दुर्घटनाओं और मोटर यातायात अपराधों को छोड़कर, अपने कर्तव्यों को निभाने हेतु किए गए कार्यों में जेन्ट्रालिकार से छूट तथा अनतिक्रमणीयता रखना।

(ii) वे केन्द्र द्वारा प्रबल परिवधियों और अन्य भर्तों के सम्बन्ध में भारतीय आय कर से मुक्त होंगे तथा उन्हें अपने बेतन और पैन्शन पर ही इस प्रकार के कर बैठे होंगे।

(iii) उन्हें, निवेशक द्वारा उचिष्ट, की गई राशि के 50% तक भनोरंजन उद्देश्यों के लिए भारत और खात्य सामग्री का नियुक्त करने की अनुमति होगी।

(ग) आवासायिक स्टाफ परामर्शदाताओं, रजिस्ट्रार, तथा अन्य शिक्षण स्टाफ सहित जो, भारत के नागरिक न हों और अन्तर्राष्ट्रीय स्तर पर नियुक्त किए गये होंगे :—

(i) राष्ट्रमण्डल सचिवालय द्वारा उन्हें दिये गये बेतन और पारिश्रमिक पर कराशान से मुक्त होंगे।

(ii) अपने केवल प्रशासकीय कार्यों के संबंध में, मुकदमे तथा कानूनी कारबाई द्वारा से मुक्त होंगे। यह प्रशासकीय उन्मुक्तता मोटर कार दुर्घटनाओं तथा मोटर यातायात अपराधों के संबंध में लागू नहीं होगी।

(iii) राष्ट्रीय सेवा अन्धरों से मुक्त होंगे।

(iv) अपने पति तथा पत्नी और उन पर आश्रित संबंधियों सहित आप्रवास नियन्त्रणों तथा विदेशी रजिस्ट्रेशन से मुक्त होंगे।

(v) प्रथम आगमन पर सीमाशुल्क विशेषाधिकार अर्थात् राष्ट्रमण्डल के चंडीगढ़ रिस्ट एशिया-पेसिलिक युवक विकास केन्द्र में पहली बार अपना पद प्रहण करते समय अपना कर्तव्यवाही विधिवाही असामान नियुक्त आयात करने का अधिकार बशर्ते कि यह सामान समुद्र सीमाशुल्क अधिनियम के अन्तर्गत सामान नियमों के अधीन निर्धारित छ: महीने की सीमित अवधि के भीतर आयात किया जाता है, और उनके उपभोग अथवा उनके परिवारों के सदस्यों जो उनके युद्धमें का एक भाग है के उपयोग के लिए है।

स्पष्टीकरण :

इस धारा में 'शुल्क' में, गोवाय भाड़ा, बुलाई भाड़ा तथा इसी प्रकार की सेवाओं के लिए शुल्कों के अतिरिक्त कर और संबंधित शुल्क, शामिल हैं।

(vi) निम्नलिखित मुद्रा तथा विनियम सुविधाएं प्राप्त कर सकें :—

(क) अन्य देशों में विदेशी मुद्रा खाते।

(ख) स्टेट बैंक द्वारा इंडिया की पार्लियामेंट ट्रीट शाखा में विदेशी मुद्रा निलें।

(ग) भारत में किसी भी परियाणि बैंक में रोजमर्ही का खर्च असाने के लिए भारतीय बंदेश में खाता रखने की अनुमति

होगी। जब किसी अधिकारी का भारत से बाहर लबादला हो जाता है तो इन आतों में उनके नाम जमा यथोचित राशि वित मंदालय की स्वीकृति से देश प्रस्थावर्तित की जा सकती है।

(vii) राजनयिक दूतों के समान अन्तर्राष्ट्रीय संकट के समय उनके पति प्रथमा पर्सी और उन पर आवश्यक संबंधियों सहित इसी प्रकार की स्वदेश लौटाने की सुविधा दी जायेगी।

(g) परामर्शदाता, विशेष स्टाफ जो भारत के नागरिक हैं के समेत व्यावसायिक स्टाफ :

केवल अपने प्रशासकीय कार्यों के संबंध में मुकदमों तथा कानूनी कार्रवाई से उन्मुक्त होंगे। यह प्रशासकीय उन्मुक्तता मोटर कार बुर्झटारों तथा मोटर यातायात प्रणालीयों के संबंध में सागृ नहीं होगी।

(h) प्रशिक्षणार्थी, चाहे वे भारत के नागरिक हों या न हों: उन्हें कोई विशेषाधिकार और उन्मुक्तता नहीं होगी और न ही सीमा शुल्कों प्रथम प्राप्तम विशेषाधिकार से ही छूट होगी।

[सं 12-10/75-एन० एस० वाई०-II]

अनिल बौद्धिया, संयुक्त सचिव

MINISTRY OF EDUCATION & SOCIAL WELFARE (Department of Education)

New Delhi, the 3rd January, 1978

S.O. 1674.—The Secretary to the Government of India in the Ministry of Education & Social Welfare (Department of Education). In exercise of the powers conferred by Section 3 of the United Nations (Privileges and Immunities) Act, 1947 (46 of 1947), the Central Government hereby declares that the provisions of Section 18 of Article V of the Schedule to the said Act shall apply, mutatis mutandis, to the "Commonwealth Asia-Pacific Youth Development Centre, Chandigarh" a Centre established by the Commonwealth Secretariat and to the Indian Director, recruited on an International basis, of the Commonwealth Asia-Pacific Youth Development Centre, Chandigarh, subject to the following modifications, namely :—

For clauses of Section 18, the following clauses shall be substituted, namely :—

(A) Commonwealth Asia-Pacific Youth Development Centre, Chandigarh.

(i) The Centre will have a legal personality and the legal capacity necessary for the exercise of its functions. It shall have immunity from suit and legal process except to the extent provided hereunder :—

(a) When expressly waived, as the privileges and immunities are granted to the staff of the Centre in the interests of functions and not for the personal benefit of individuals themselves. The Secretary General of the Commonwealth Secretariat or any person for the time being exercising his functions shall have the right and duty to waive the immunity of any member of the staff in any case where, in his opinion, the immunity would impede the course of justice and it can be waived without prejudice to the purpose for which the immunity is accorded.

Further, if in any proceedings any question arises whether or not any person is entitled to any privileges or immunity under this Agreement, a certificate issued by or under the authority of the Secretary to the Government of India in the Ministry of Education and Social Welfare stating any fact relating to that question shall be conclusive evidence of that fact.

Also the Centre shall co-operate at all times with the appropriate authorities of the Government of India to facilitate the proper administration of Justice, secure the observance of police regulations, and

prevent an abuse of privileges, immunities, exemptions and facilities mentioned in this Agreement.

- (b) In respect of motor accidents and motor traffic offences.
- (c) When arbitration proceedings are taken in relation to written contracts for which a compulsory arbitration clause shall be inserted in all contracts entered into by the Centre, and the specific reference to the capacity to contract shall be mentioned in the Agreement with Commonwealth Secretariat.

(ii) Goods, including books and publications, furniture and furnishings, stationery and office equipment, vehicles and electrical gadgets etc. imported by the Centre for its official purposes shall be exempt from all customs dues, provided that articles imported under such exemptions will not be sold in India except under conditions agreed with the Government of India. Vehicles purchased in India by the Centre for official purposes shall also be exempt from purchase tax and other duties

(iii) The Centre will have exemption from direct taxes. The Centre will not, however, get exemption from taxes which are, in fact, no more than charges for public utility services.

(iv) The Centre may have bank accounts and may hold funds and foreign exchange to the extent permissible under the relevant rules.

(B) The Indian Director :

- (i) To have immunity from jurisdiction and inviolability in respect of official acts performed in the exercise of his functions except in respect of motor accidents and motor traffic offences.
- (ii) He will be exempted from Indian Income tax on the perquisites and other allowances provided to him by the Centre, and will be liable to pay such taxes only on his salary and pension.
- (iii) He will be permitted duty free import of liquor and food stuff for entertainment purposes to the extent of 50 per cent of the amount earmarked for entertainment by the Director.

(C) Professional staff, including consultants, Registrar, and other teaching staff not being the citizens of India recruited on an International basis shall :—

- (i) be exempted from taxation on the salaries and emoluments paid to them by the Commonwealth Secretariat.
- (ii) be immune from suit and legal process only in relation to their official acts. This official immunity will not extend to motor car accidents or motor traffic offences.
- (iii) be immune from national service obligations.
- (iv) be immune, together with their spouses and relatives, dependent on them, from immigration restrictions and alien registration.
- (v) Enjoy first arrival customs privileges, i.e. the right to import duty-free their furniture and personal effects the time of first taking up their post at the Commonwealth Asia-Pacific Youth Development Centre in Chandigarh, provided that the goods are imported within the time limit of six months fixed under the Baggage Rules made under the Sea Customs Act, and are meant for their use and for the use of the members of their families forming part of their household.

EXPLANATION :

In this clause "Duty" includes taxes and related charges other than charges for storage, cartage and similar services.

- (vi) Be accorded the following currency and exchange facilities :—
- (a) Foreign currency accounts abroad.

- (b) Foreign exchange account with the Parliament Street Branch of the State Bank of India.
- (c) Permission to operate an Indian rupee account for day to day expenses with any schedule Bank in India. Reasonable amounts standing to their credit in these accounts can be repatriated with the approval of the Ministry of Finance when the official is transferred from India.
- (vii) Be given together with their spouses and relatives dependent on them, the same repatriation facilities in time of the international crisis as diplomatic envoys.

(D) The Professional staff, including Consultants, Teaching staff who are the citizens of India: To enjoy immunity from suit and legal process only in relation to their official acts. This official immunity will not extend to motor car accidents or motor traffic offences.

(E) The Trainees, whether they are citizens of India or otherwise: They will have no special privileges and immunities nor exemption from custom dues, first arrival privileges etc.

[No. 12-10/75-NSY-II]
ANIL BORDIA, Jt. Secy.

पर्वटन और नागर विमानन मंचनालय

नई दिल्ली, 20 मई, 1978

का०खा० 1675.—यहतः 19 मई, 1978 को नागर विमानन विभाग का एक शीसी-3 विमान बीटी-डीयू सोनीपत के निकट दुर्घटनाप्रस्त हो गया जिसके परिणामस्वरूप 8 व्यक्तियों की मरण हो गयी;

और यत् सरकार की दृष्टि में उक्त दुर्घटना की एक जांच समिति द्वारा जांच किया जाना आवश्यक प्रतीत होता है;

अतः अब, यायुपाल नियम, 1937 के नियम 74 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एवंद्वारा उक्त दुर्घटना की जांच करने के लिए एक जांच समिति नियुक्त करती है जिसमें निम्नलिखित व्यक्ति सम्मिलित होंगे, अधिकृतः—

- (1) एयर वाइस मार्शल बी-डीयू, ओहान, एयर ऑफिसर कमांडिंग, जम्मू और काश्मीर प्रधान
- (2) कैटेन डी० गोपाल, परिचालन नियेशक, एयर हिंडिया, बम्बई सदस्य
- (3) कैटेन जी० एस० बिल्लन, कार्यवाहक अधिकारी नियेशक, विल्सी अंड इंडियन एयरलाइंस, नई दिल्ली सदस्य
- (4) श्री धर्मसीर, उप-नियेशक (इंजिनीयरी) इंडियन एयरलाइंस, नई दिल्ली सदस्य

[का० खा० ए० शी० 15013/12/78-ए]

MINISTRY OF TOURISM AND CIVIL AVIATION

New Delhi, the 20th May, 1978

S.O. 1675.—Whereas a DC-3 aircraft VT-DEU belonging to the Civil Aviation Department crashed on the 19th of May, 1978 near Sonepat resulting in the death of 8 persons.

And Whereas, it appears necessary to the Central Government that it is expedient to hold an inquiry into the said accident by a Committee of Inquiry :

Now, therefor, in exercise of the powers conferred by Rule 74 of the Aircraft Rules, 1937, the Central Government hereby

appoints a Committee of Inquiry composed of the following persons to hold an inquiry into the said accident, namely :—

- (1) Air Vice Marshal B.W. Chauhan, Air Chairman Officer Commanding, Jammu & Kashmir.
- (2) Capt. D. Bose, Director of Operations, Air Member
- (3) Capt. G.S. Dhillon, Acting Regional Director Delhi Region, Indian Airlines, New Delhi.
- (4) Shri Dharamvir, Deputy Director (Engineering), Indian Airlines, New Delhi.

[F.No. AV. 15013/12/78-A]

नई दिल्ली, 27 मई, 1978

का०खा० 1676.—इस मंत्रालय की अधिसूचना सं० ए०शी० 15013/12/78-ए० दिनांक 20 मई, 1978 में अधिक संशोधन करते हुए, कैटेन डी० गोपाल, फ्लाइट इंस्ट्रक्टर, एयर हिंडिया, बम्बई के स्थान पर 19 मई, 1978 को सोनीपत के समीप दुर्घटनाप्रस्त हुए नागर विमानन विभाग के एक डी०शी०-3 विमान डी०टी०-डी०ईप्य० की दुर्घटना के बारे में जांच करने के लिये नियुक्त की गई जांच समिति के सदस्य के रूप में कार्य करेंगे।

[एक० सं ए०शी०-15013/12/78-ए]
एस० एकाम्बरम्, उप-सचिव

New Delhi, the 27th May, 1978

S.O. 1676—In partial modification of this Ministry's Notification No. Av. 15013/12/78-A, dated 20th May, 1978, Capt. B. S. Gopal, Flight Instructor, Air India, Bombay, will act as Member, in place of Capt. D. Bose, Director of Operations, Air India, Bombay, to the Committee of Inquiry appointed to hold an enquiry into the accident to a DC-3 aircraft VT-DEU belonging to the Civil Aviation Department, which crashed near Sonepat on the 19th May, 1978.

[F. No. Av. 15013/12/78-A]
S. EKAMBARAM, Dy. Secy.

संचार मंत्रालय

(आक-सार बोर्ड)

नई दिल्ली, 25 मई, 1978

का० खा० 1677.—एडा कोर्पोरेशन एस्सेप्सेज अवृद्धि के स्थानीय क्षेत्र में बदली किए जाने की बाबत जिन लोगों पर इस परिवर्तन का प्रभाव पड़ने की संभावना है एक सर्वसाधारण सूचना उन सबको जानकारी के लिए जैसा कि भारतीय तार नियम 1951 के नियम 434 (III) (बी बी) में व्यक्तित है एडा कोर्पोरेशन में आलू समाचारपत्रों में निकाला गया था और उनसे कहा गया था कि यदि इस बारे में उम्हें कोई व्यापति हो या उनके कोई सुझाव हो तो वे इस सूचना के प्रकालित होने की तारीख से 30 दिनों के भीतर ऐसे का कष्ट करें।

उक्त सूचना सर्वसाधारण की जानकारी के लिए 18-7-1976 में मरम्मालम वैनिक के 'मातृभूमि' में 18-7-1976 के मरम्मालम वैनिक के

‘मत्सयाती मत्सोरसा’ में तथा 17-7-1976 प्रेरित शिक्षियन “इंडियन एक्सप्रेस” में प्रकाशित कराई गई थी।

उक्त सूचना के उत्तर में जनसाधारण से मिली आतिथी और मुफ्ताओं पर केन्द्रीय सरकार द्वारा विचार किया गया है।

इसलिए अब उक्त नियमावली के नियम 434 (III) (बी बी) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए महानिदेशक डाक-तार ने घोषित किया है कि तारीख 16-6-78 से एडा कोचीन का स्थानीय संघोचित शेष इस प्रकार होगा:—

एडा कोचीन टेलीफोन एक्सचेंज व्यवस्था

एडा कोचीन का स्थानीय भेत्र यही होगा जो कि एडा कोचीन एक्सचेंज से 5 किलोमीटर की दूरी के अन्तर्गत पड़ता है वर्तमान कि यह सीमा उत्तर में कोचीन के नगर निगम की सीमा तक तथा उत्तर पूर्व में पूर्णनियुरा टेलीफोन एक्सचेंज से 5 किमी सी. अरिय दूरी की लाइन में प्रतिबन्धित हो।

[सं. 3-6/74-पी एच बी]
पी. एन. कौल, निदेशक फोन (ई)

MINISTRY OF COMMUNICATIONS (P&T Board)

New Delhi, the 25th May, 1978

S.O. 1677.—Whereas a public notice for revising the local area of Eda-Cochin Telephone Exchange System was published as required by rule 434(III)(bb) of the Indian Telegraph Rules, 1951 in the Newspapers in circulation at Eda-Cochin, inviting objections and suggestions from all persons likely to be affected thereby, within a period of 30 days from the date of publication of the notice in the Newspapers;

And whereas the said notice was made available to the public on 18-7-1976 in Malayalam Daily “MATHRUBHOOMI” on 19-7-1976 in Malayalam Daily “Malayala Manorama” and on 17-7-1976 in English Daily “The Indian Express”.

And whereas objections and suggestions received from the public on the said notice have been considered by the Central Government;

Now, therefore, in exercise of the powers conferred by rule 434(III)(bb) of the said Rules, the Director General Posts and Telegraphs hereby declares that with effect from 16-6-1978 the revised local area of Eda-Cochin shall be as under:

Eda-Cochin Telephone Exchange System

The local area of Eda-Cochin shall cover the area falling within 5 KMs radial distance from Eda-Cochin Telephone Exchange; provided further that this limit shall be restricted to the boundary of Municipal Corporation of Cochin in the North and line of 5 KMs radial distance from Tripunithura Telephone Exchange in the North East.

[No. 3-6/74-PHB]
P. N. KAUL, Director of Phones (E)

श्रम मंत्रालय

आदेश

नई दिल्ली, 24 मई, 1978

का० आ० 1678.—भारत सरकार के भूतपूर्व श्रम और पुनर्वास मंत्रालय की अधिसूचना का० आ० संख्या 1780, दिनांक 19 जून, 1963 द्वारा गठित श्रम न्यायालय, जिसका मुख्यालय जयपुर में स्थित है, के पीठासीन अधिकारी का पद रिक्त हो गया है;

अतः यद्य, श्रौद्धोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 8 के उपबन्धों के अनुसरण में केन्द्रीय सरकार एस० बी० श्रीयास्तव को पूर्वोत्तर गठित श्रम न्यायालय का पीठासीन अधिकारी नियुक्त करती है।

[सं. एस० 11020/16/77-डी० I(ए)]

MINISTRY OF LABOUR ORDER

New Delhi, the 24th May, 1978

S.O. 1678.—Whereas a vacancy has occurred in the Office of the Presiding Officer of the Labour Court with headquarters at Jaipur constituted by the notification of the Government of India in the late Ministry of Labour and Employment No. S.O. 1780 dated the 19th June, 1963.

Now therefore, in pursuance of the provisions of Section 8 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby appoints Shri S. B. Srivastava as the Presiding Officer of the Labour Court constituted as aforesaid.

[No. S. 11020/16/77/DIA]

आदेश

नई दिल्ली, 27 मई, 1978

का० आ० 1679.—भारत सरकार के भूतपूर्व श्रम और पुनर्वास मंत्रालय की अधिसूचना का० आ० संख्या 1570 दिनांक 31 मई, 1963 द्वारा गठित श्रम न्यायालय, जिसका मुख्यालय भुवनेश्वर में स्थित है, के पीठासीन अधिकारी का पद रिक्त हो गया है;

अतः यद्य, श्रौद्धोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 8 के उपबन्धों के अनुसरण में केन्द्रीय सरकार श्री जगल किशोर महापात्र को पूर्वोत्तर गठित श्रम न्यायालय का पीठासीन अधिकारी नियुक्त करती है।

[सं. एस० 11020/15/77-डी०-I(ii)]
एल० कै० नारायणन, डैस्क अधिकारी

ORDER

New Delhi, the 27th May, 1978

S.O. 1679.—Whereas a vacancy has occurred in the Office of the Presiding Officer of the Labour Court with headquarters at Bhubaneswar constituted by the notification of the Government of India in the late Ministry of Labour and Employment No. S.O. 1570 dated the 31st May, 1963 :

Now, therefore, in pursuance of the provisions of Section 8 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby appoints Shri Jagul Kishore Mahapatra as the Presiding Officer of the Labour Court constituted as aforesaid.

[No. S. 11020/15/77/DIA.]
L. K. NARAYANAN, Desk Officer

नई दिल्ली, 25 मई, 1978

का० आ० 1680.—केन्द्रीय सरकार, मजदूरी संदाय अधिनियम, 1936 (1936 का 4) की धारा 7 की उपधारा (2) के अंडे (त) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, प्रत्येक मुख्य मंसी राहत कोष को, उक्त अंडे के प्रयोगनों के लिए, विनियोग करती है।

[सं. एस० 31014(12)/77-इम्पू सी/(पी डब्ल्यू)]
हंस राज छाबड़ा, उप सचिव

New Delhi, the 25th May, 1978

S.O. 1680.—In exercise of the powers conferred by clause (p) of sub-section (p) of section 7 of Payment of Wages Act, 1936 (4 of 1936), the Central Government hereby specifies every Chief Minister's Relief Fund for the purpose of that clause.

[No. S. 31014(12)/77-WC(P)]
HANS RAJ CHHABRA, Dy. Secy.

का० आ० 1681.—केन्द्रीय सरकार, कर्मचारी भविष्य निधि स्कौम, 1952 के पैरा 4 के उप पैरा (1) के अनुसरण में, श्री दुन्दु बालकण्ठमूर्ति उपाध्यक्ष, आनन्द बाणिज्य मण्डल, 68-ए, राष्ट्रपति रोड, सिक्किम राज्य, को भान्दा प्रेस राज्य के लिए बनी केन्द्रीय समिति के सदस्य के रूप में नियुक्त करती है और भारत सरकार के श्रम मंत्रालय

की प्रधिसूचना सं० का० आ० 237, तारीख 18 दिसम्बर, 1975 में और आगे निम्नलिखित संशोधन कारती है, अर्थात्—

उक्त प्रधिसूचना में, क्रम सं० 6 के साथे, प्रविधि "श्री ई० जी० कृष्णमूर्ति, स्वत्वधारी, कृष्ण इंजीनियरिंग वर्क्शेप, हॉर्झस्ट्रिल एरिया, आजमाबाद, हैदराबाद" के स्थान पर प्रविधि "श्री दुन्दु बालकृष्णमूर्ति, उपाध्यक्ष, आनन्द वाणिज्य मण्डल, 68-ए, राष्ट्रपति रोड, सिकंदराबाद" रखी जाएगी।

[सं० धी 20012(1)/73-पी० एफ० II]

S.O. 1681.—In pursuance of clause (c) of sub-paragraph (1) of paragraph 4 of the Employees' Provident Fund Scheme, 1952, the Central Government hereby appoints Shri Dundoo Balakrishna Murti, Vice President, Andhra Chamber of Commerce, 68-B, Rashtrapathi Road, Secunderabad as a member of the Regional Committee set up for the State of Andhra Pradesh and makes the following further amendments in the notification of the Government of India in the Ministry of Labour No. S.O. 237, dated the 18th December, 1975, namely :—

In the said notification, against serial number 6, for entry, "Shri E. G. Krishnamurthi, Proprietor, Krishna Engineering Workshop, Industrial Area, Azamabad, Hyderabad", the entry, "Shri Dundoo Balakrishna Murti, Vice President, Andhra Chamber of Commerce, 68-B, Rashtrapathi Road, Secunderabad" shall be substituted.

[No. V. 20012(1)/73-PF. II]

का० आ० 1682—यह: केन्द्रीय सरकार को यह प्रतीत होता है कि डाटामेनेट्स आटा प्रोसेसर्स, 43 रफी प्रहसन कॉम्पनी रोड, कलकत्ता-16 नामक स्थापन से सबद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए;

अतः यह, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 मई, 1977 को प्रवृत्त हुई समझी जाएगी।

(सं० एस० 35017(12)/78-पी० एफ० II]

S.O. 1682.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Datamatatics Data Processors, 43, Rafi Ahmed Kidwai Road, Calcutta-16, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of May, 1977.

[No. S. 35017(12)/78-PF-II]

का० आ० 1683—यह: केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स यूनाइटेड एंजेसी, पी-16, न्यू सी० प्राई० टी० रोड, कलकत्ता-73 नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए;

अतः यह, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 अप्रैल, 1977 को प्रवृत्त हुई समझी जाएगी।

[सं० एस० 35017(13)/78-पी० एफ० II(i)]

S.O. 1683.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs United

Agencies, P-16, New C.I.T. Road, Calcutta-73, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of April, 1977.

[No. S. 35017(13)/78-PF-II(1)]

का० आ० 1684—केन्द्रीय सरकार कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) की धारा 6 के प्रथम परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, सम्बद्ध विषय में आवायक जांच करने के पश्चात् 1 अप्रैल, 1977 से मैसर्स यूनाइटेड एंजेसी, पी-16, न्यू सी० प्राई० टी० रोड, कलकत्ता-73 नामक स्थापन को उक्त परन्तुक के प्रयोजनों के लिए विनिर्दिष्ट करती है।

[सं० एस० 35017(13)/78-पी० एफ० II(ii)]

S.O. 1684.—In exercise of the powers conferred by the first proviso to section 6 of the Employees' Provident Funds and Miscellaneous provisions Act, 1952 (19 of 1952), the Central Government, after making necessary enquiry into the matter, hereby specifies with effect from the first day of April, 1977 the establishment known as Messrs United Agencies, P-16, New C.I.T. Road, Calcutta-73 for the purposes of the said proviso.

[No. S. 35017(13)/78-PF-II(ii)]

का० आ० 1685—यह: केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स इंडिसी फासनसे एंजॉ फॉर्जिस कम्पनी, प्लॉट 43, ब्लॉक एस भोसारी, पुणे-26, जिसके प्रत्यार्थी इसकी पदम कंज, 65 शिवाजी को-आपरेटिंग हाउसिंग सोसाइटी, पुणे-16 स्थित शाखा भी है, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए;

अतः यह, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

यह अधिसूचना 31 विसम्बर, 1976 को प्रवृत्त हुई समझी जाएगी।

[सं० एस० 35018(3)/78-पी० एफ० II]

S.O. 1685.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Trinity Fasteners and Forgings Company, Plot, 43, Block 'S' Bhosari, Pune-26, including its branch at Padma Kunj 65, Shivaji Cooperative Housing Society, Poona-16, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the thirty first day of December, 1976.

[No. S-35018(3)/78-PF-II]

का० आ० 1686—यह: केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स पोलीफार्मलिन (प्राइवेट) लिमिटेड, बनर्जी रोड, कोषीन-18 एन्टीक्लिम ग्राम, कनायनर, एण्ड्रियुल जिला, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) के उपबंध उक्त स्थापन को लागू किए जाने चाहिए;

अतः यह, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबंध उक्त स्थापन को लागू करती है।

यह अधिसूचना 31 मार्च, 1978 को प्रवृत्त हुई समझी जाएगी।

[सं० एस० 35019(78)/78 बी० एफ० II]

एस० एस० सहस्रानामन, उप सचिव

S.O. 1686—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Polyformalang (Private) Limited, Banerji Road, Cochin-18 Ernakulam Village, Kanayanoor Taluk, Ernakulam District, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the thirty first day of March, 1978.

[No. S. 35019(78)/78-PF-II]

S. S. SAHASRANAMAN, Dy. Secy.

New Delhi, the 26th May, 1978

S.O. 1687.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 1, Bombay in the industrial dispute between the employers in relation to late Shri Paul Abrao of M/s. Paul Abrao and Sons, Willingdon Island, Cochin and the Cochin Lighterage Corporation, Cochin on the one part, and their workmen on the other, which was received by the Central Government on the 24th May, 1978.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT BOMBAY

Reference No. CGIT 97 of 1964

PARTIES :

Employers in relation to Messrs. Paul Abrao of Paul Abrao and Sons and the Cochin Lighterage Corporation, Cochin.

AND

Their workmen.

APPEARANCES :

For the Employers.—(1) Shri Joseph Franklin, Advocate for M/s. Paul Abrao & Sons, Employer No. 1.

(2) Shri B. Martin Abrao for Cochin—Lighterage Corporation, Employer No. 2.

For the workmen.—(1) Shri M. P. Menon, Advocate.

(2) Shri K. R. B. Kaimal, Advocate.

INDUSTRY :

Port & Dock

STATE :

Bombay, the 15th May, 1978

Kerala

AWARD

1. The Central Government in exercise of powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 has referred the following dispute for adjudication by this Tribunal on 13-11-1964 :—

"THE SCHEDULE-I

1. Whether the action of the employers, (1) Shri Paul Abrao of M/s. Paul Abrao & Sons, Cochin and (2) the Cochin Lighterage Corporation, Cochin-1, is not providing work for the workmen specified in Schedule II who were engaged in floating craft prior to and as on 1st June 1962 or thereafter, is justified?
2. If not, to what relief are the workmen entitled and from which of the two employers?"
2. By its written statement dated 16-12-1964 the Cochin Lighterage Corporation contended that Shri B. Paul Abrao had been carrying on the business of stevedoring, shipping, clearing, forwarding etc. for the past so many years. The business was being carried on by him in his individual capacity and as a proprietor of the firm M/s. Paul Abrao & Sons. The workmen named in Schedule II to the Order of Reference were employed in the floating crafts belonging to him. Shri Paul Abrao employed some of his brothers and relatives in his business. In 1962 he took initiative to form the Cochin Lighterage Corporation. The idea was to create a separate establishment for the administration of work relating to the floating crafts. The Corporation was intended to be only an internal arrangement between Shri Paul Abrao and his brothers. The Cochin Lighterage Corporation was formed as a partnership with five partners all of whom were closely related to Shri Paul Abrao. The partnership had no capital and the Corporation did not invest any fresh capital. The floating crafts and the business relating thereto continued to be managed and controlled by Shri Paul Abrao.

As a part of the internal arrangement, it was agreed that the floating crafts would stand transferred to the Cochin Lighterage Corporation for a consideration of Rs. 1,75,000. No consideration, however, was paid by the Corporation to Shri Paul Abrao. The internal arrangement was only an attempt to reduce incidence of taxation and in no way intended to affect the employer-employee relationship that existed between Shri Paul Abrao and the workmen. In fact, the floating crafts are still registered with the Cochin Port in the name of Shri Paul Abrao and his son. The workmen named in Schedule II were employed by Shri Paul Abrao of M/s. Paul Abrao & Sons before 1-6-1962. Even after 1-6-1962, they were employed as such till a situation arose whereunder it was found not possible to give continued employment to them. The contract that Shri Paul Abrao had with the Southern Railway for discharge of coal came to an end in April, 1964. The opening of the four berths also resulted in considerable fall in the shipping and landing business of Shri Paul Abrao. This effected the business and made it impossible for the Lighterage Corporation to have any independent existence. The Corporation has practically ceased to function and it does not engage in any business and even the partners are now unemployed.

3. Shri Paul Abrao (who is since dead), by his written statement dated 23-12-1964, contended that the workers whose names are specified in Schedule No. II to the Order of Reference were not his workmen and that there was no employer-employee relationship with them. They were employed by the Cochin Lighterage Corporation in boats and other floating crafts belonging to them. In the year 1962 he had sold and transferred to the Cochin Lighterage Corporation, the boats and other floating crafts as a going concern with goodwill, and the entire business in respect thereof. Shri Paul Abrao had absolutely no interest, right of control in the business or affairs of the Corporation. The Cochin Lighterage Corporation is a firm of partnership between some of the brothers and other relatives and Shri Paul Abrao had no control or interest in the partnership or in its business or undertakings. His further contention was that the Corporation had been mismanaging its business and consequently was unable to operate its boats and provide employment to the workmen. Disputes arose between the Corporation and the workmen and settlements were arrived at between them. Even thereafter the Corporation failed to provide work and the workmen and the Employees' Union resorted to direct action and other measures against them. The Corporation and the Office bearers of Unions representing the workmen are said to have been in collusion to put forward the false claim that the Cochin Lighterage Corporation and its business belong to Shri Paul Abrao and that he was the employer of the workmen.

4. The two Labour Unions have also filed their written statements. They are the Cochin Port Cargo Labour Union and the Cochin Thuramugha Thozhilali Union. By its written statement the Cochin Port Cargo Labour Union has in substance supported the case of the Lighterage Corporation. It has further stated that the Union always treated the Corporation as an Agent of Shri Paul Abrao and that there is no collusion between them with a view defeat the claim of the workman and to avoid taxes. The allegation of collusion between the Union and the Corporation is said to be false and made with a motive of shirking the responsibility towards the workmen. It is contended that the Employer No. 1 & Employer No. 2 might have fallen out for reasons known to them, but neither the conspiracy nor the squabbles between the conspirators can defeat the legitimate rights of the workman.

5. The Secretary, the Cochin Thuramugha Thozhilali Union has filed a written statement supporting the case of Shri Paul Abrao.

6. On the death of Shri Paul Abrao, his heirs and legal representatives were impleaded as parties and they adopted the written statement dated 23-12-1964 filed by Shri Paul Abrao.

7. By his rejoinder, Shri B. Paul Abrao has denied that there was an arrangement for creation of the Cochin Lighterage Corporation for the day to day management of floating crafts. The floating crafts were sold to the Corporation and the ownership in the crafts vested in them absolutely and that want of change of registration of the floating crafts consequent on sale did not affect their ownership.

8. The parties raised the question of res judicata and estoppel and this was heard and disposed of in October, 1968. Against this there was a writ petition in the Kerala

High Court and from the Judgement of a single judge of the Kerala High Court the matter was taken before the Division Bench and it was decided in August, 1973. The plea of res judicata arose under the following circumstance. After the Sale Deed of 1-10-1962 (the date of execution is 1-10-1962, sale having taken effect from 1-6-1962), the workmen ceased to be the employees of Paul Abrao and of the firm M/s. Paul Abrao & Sons and had become exclusively the workmen of the Corporation. Some disputes arose from the kind of stand taken by Shri Paul Abrao and M/s. Paul Abrao and Sons which gave rise to satyagraha in front of the business house of M/s. Paul Abrao and Sons which resulted in the institution of two suits, O.S. No. 27 of 1964 of the Sub-Court, Cochin and O.S. No. 55 of 1964 of the Sub-Court, Ernakulam. A specific issue was raised whether there was any employer-employee relationship between the Corporation and the workmen on the one hand and Shri Paul Abrao of M/s. Paul Abrao & Sons on the other. The issue in both the suits were decided against the workmen. The Tribunal decided that the Reference was not barred by the rules of res judicata. The question of estoppel was raised on the basis of a Conciliation Settlement dated 29-1-1964 between the Cochin Lighterage Corporation and the Cochin Port Cargo Labour Union regarding the non-employment of tindals and crew of lighters and barges. It was contended that the Settlement was binding upon the Union and the Union was not entitled to agitate the question against the employer, late Shri Paul Abrao. The Tribunal held that the Settlement would be a piece of evidence and not operate as an estoppel. In the writ petition finding of the Tribunal on the question of res judicata was challenged and the learned Single Judge, who heard the matter, upheld the plea of res judicata. Against this decision there was an appeal to the Division Bench and the Division Bench set aside the judgement under appeal. The above gives the previous history of the present Reference.

9. The Cochin Lighterage Corporation was formed by means of a Registered Partnership Deed dated 1-6-1962, a copy of which has been produced and is marked as Ext. I 9. Formation of such a Corporation is admitted in the written statement filed by the Corporation, but it is contended there that the initiative had been taken by Shri Paul Abrao and that it was meant to be only an internal arrangement between him and his brothers who were assisting him in his business. Ext. E-2/25 dated 17-2-1962, Ext. E-2/53 dated 22-6-1963, Ext. E-2/54 dated 8-7-1963 & Ext. E-2/55 dated 26-8-1963 are the correspondences regarding payment of bills to lawyers for drawing up the partnership deed and its registration. Some of them were forwarded directly to the Cochin Lighterage Corporation and some were sent to Shri Paul Abrao who had sent them on to Cochin Lighterage Corporation for payment and settlement of the dues. The document clearly states that the business of partnership would be acquire the cargo boats, barges and tugs from the owners thereof and to carry on the business of transport of goods by water and other incidental and consequential business. There is nothing to lend credence to the recital in the written statement that formation of this partnership deed was on the initiative of Shri Paul Abrao and for the purpose indicated therein; rather the correspondence referred to above indicates that the payment was to be made by the Cochin Lighterage Corporation and not by Shri Paul Abrao. No doubt, in Ext. E-2/2 dated 26-3-1963 mention has been made that the Corporation was an internal arrangement for performance of landing and shipping work and that it was a department of Shri Paul Abrao. The documents discussed below will indicate that this was mentioned in a loose manner and business had been carried on independently by the Corporation and that Shri B. Paul Abrao, being the head of the family, used to supervise and guide them from time to time.

10. From the letter dated 4-3-1963 (Ext. E-2/1) it appears that Shri B. Paul Abrao had got his telephone number 4171 transferred to the Corporation for their work, payment of which was made by the Corporation itself. This also indicates a separate identity of the Corporation. In view of paucity of telephones and the difficulty in getting its connections quickly, there is nothing improbable that Shri B. Paul Abrao should part with one of his telephones in favour of his relations, who formed the Corporation.

11. The indenture dated 1-10-1962 (Ext. E-10) shows the sale of boats, barges, tugs etc. The vendor is Shri B. Paul Abrao and the vendees are the partners of the Cochin Lighterage Corporation. The consideration for this transaction was Rs. 1,75,000 which was to be paid in 117 monthly instalments. The payment was to commence from 1-6-1962 and 216 GofI/78—6.

the possession of 45 boats, barges and tugs was delivered to the Corporation with effect from 1-6-1962. It has been mentioned that out of these 45 boats, barges and tugs three boats were on monthly hire to M/s. Kaniampuram Brothers and it was agreed that they will be taken back by the Vendor and entrusted to the Purchasers within a short period and that all rent amount received from M/s. Kaniampuram Brothers will be credited to the purchaser's account. Further stipulation was that the purchasers shall take into their service all tindals, serangs, drivers, lascars and others in the employment of the Vendor in respect of the cargo boats, barges and tugs without break in service. It will be noticed that the above terms and conditions of service were not, in any way, less favourable to the employees than those applicable to them before 1-6-1962. It seems that the purchasers had no money with them and Shri B. Paul Abrao gave them an initial advance of Rs. 10,000/- to commence the work. Enclosure to Ext. E-2/18 dated 14-6-1962 is the promissory note which the Corporation had executed and which, after re-payment, was returned. Exts. E-2/56 dated 9-7-1962, E-2/57 dated 10-7-1962 and E-2/58 dated 10-7-1962 show that after execution of the sale deed, a separate account was opened by the Cochin Lighterage Corporation in the Chartered Bank, Cochin. That landing and shipping work was henceforth being done by the Cochin Lighterage Corporation will appear from Ext. E-2/2 dated 26-3-1963 which was written by Shri B. Paul Abrao to the Traffic Manager, Port of Cochin. No doubt, mention has been made therein that it was being done as an internal arrangement, but mention of this fact is not of great consequence. It will be noticed that the licence still remained in the name of Shri Paul Abrao as the consideration of the sale deed had not been paid. That regular accounting used to be done between Shri B. Paul Abrao and the Cochin Lighterage Corporation will appear from Exts. E-2/71 dated 19-12-1962 & F-2/72 dated 2-11-1962.

12. It was with the Lighterage Corporation that the Cochin Port Cargo Labour Union, which is one of the parties in the Reference, through its General Secretary Shri T. M. Aboo (WW-2) entered into settlement (vide Ext. E-1) in a Conciliation proceeding on 29-1-1964. The Labour Union had raised the dispute regarding continued non-employment of tindals & crew of lighters and barges of the Cochin Lighterage Corporation as a result of delay in the repairing of lighters and barges. In case the dispute was not settled within 10 days the Union was to launch Satyagraha in front of the Corporation Office. The settlement was arrived at on certain terms and this is a complete answer to the case of the Union as also of the Corporation that it was Shri Paul who continued to be in-charge of the work and that the Lighterage Corporation had nothing to do with it. The terms of Settlement between the Cochin Lighterage Corporation and the workmen make no mention of Shri B. Paul Abrao. This document further says that the Labour Union had full knowledge and notice that it was the Corporation which was in-charge of the work in question. It will be noticed that even the boat numbers of the Corporation are mentioned in the Memorandum of Settlement.

13. Then there is the Assessment Order dated 31-1-1968 (Ext. F-9) to show that Shri B. Paul Abrao was saddled with capital gains, taxes etc., thereby pointing to the reality of the sale transaction.

14. There had been two civil suits also which throw light on the matter. It is those two civil suits on which the question of res-judicata was founded. They are not being referred to here on the question of res judicata, but for the fact that even in the past there was assertion of Shri B. Paul Abrao that he had no connection with the work of the Cochin Lighterage Corporation. Ext. E-6 dated 20-1-1966 is the Judgement of the Subordinate Judge of Cochin. In this Suit Shri B. Paul Abrao prayed for an injunction to restrain the Cochin Port Cargo Labour Union and its General Secretary, Shri T. M. Aboo from picketing shouting slogans and staging demonstrations before his Office. It was clearly stated that the workers were employed by the firm, the Cochin Lighterage Corporation, Cochin. Different issues were framed and the case was decided in favour of Shri B. Paul Abrao, and an injunction was granted against the defendants. Ext. E-7 dated 16-11-1967 is another Judgement of the Subordinate Judge, Ernakulam, in respect of a similar prayer for future injunction. In this Suit also the plaintiff was Shri Paul Abrao and the defendants were the Cochin Port Cargo Labour Union and its General Secretary, Shri T. M. Aboo. The Counsel for the defendants submitted before the Court that he had no instructions and the defendants, being absent, the Suit was decreed ex parte. It was submitted before me

that the Union did not press the case before the Subordinate Judge because the present Reference had already been made. Be that as it may, these are legal proceedings in which Shri Paul Abrao's contention has been upheld.

15. That the management, maintenance and up keep of the boats and appointment of tindals etc. had been transferred to the Cochin Lighterage Corporation was clearly stated by Shri B. Paul Abrao in his letter dated 2-3-1964 (Ext. E-2/19) to the Deputy Conservator, Port of Cochin. This letter further says that the Corporation is not maintaining the boats properly for which they have been warned on a number of occasions and that any action which may be deemed fit to be taken for contravention of Harbour Craft Rules may be taken against the Cochin Lighterage Corporation and not against him.

16. The indenture, a copy of which is marked Ext. E-10 is unregistered. The case of Shri Paul Abrao is that the original is with the Cochin Lighterage Corporation which they have not produced. Nothing turns upon the question of the Sale Deed being unregistered. The boats, barges etc. were intended to be transferred and these have been transferred, and they are in the possession of the Cochin Lighterage Corporation.

17. On the question of sale of boats etc. there is oral evidence of Shri B. Solomon Abrao, son of Shri B. Paul Abrao (EW-2). He has spoken about the sale and has said that after 1-6-1962 they had no manner of control of possession over the floating crafts transferred to the Cochin Lighterage Corporation. His further evidence is that full consideration amount has not been paid nor any Suit has been filed for the realisation. The fact is that only 118 instalments were paid and thereafter there has been default. It was argued on behalf of the Union that had the transaction been real steps must have been taken for realization of the balance amount. No such inference in the circumstances of the case can be drawn. For reasons already set out above the Corporation could not manage their work and the business was ultimately closed. In the circumstance if Shri Paul Abrao or his legal representatives found that no useful purpose would be served by filing a suit against the Cochin Lighterage Corporation for realisation of the balance of the consideration money, no adverse inference can be drawn against the validity of the transaction.

18. The Labour Union and the Lighterage Corporation have relied on certain circumstances and documents to show that in fact there was no sale deed, the management and the floating crafts were not transferred to the Cochin Lighterage Corporation and that the whole thing was a nominal transaction. The Cochin Lighterage Corporation has referred to Exts. E-2/71 & E-2/72 to show that they had no funds. It is also the case of Employer No. I, Shri Paul Abrao, that the Lighterage Corporation had no initial funds and, in fact, I have already referred to the loan of Rs. 10,000 given for the purpose. I have also referred to relevant documents on the point and shown how they help the Employer No. I rather than the Corporation. Ext. E-2/34 is a letter dated 12-7-1962 written by Shri Paul Abrao to Shri T. M. Aboo, the Union Secretary. In this personal letter Shri Paul Abrao had impressed upon Shri Aboo that if the workers had any grievance they should approach him directly instead of creating any untoward situation. Reply of Shri Aboo to this letter is Ext. E-2/35 dated 17-10-1962 where he has expressed regret for what had happened in the past and requested Shri Paul Abrao to forget the same and help to start a fresh page in the employer-employee relationship. The argument on behalf of the Lighterage Corporation is that this shows that despite the execution of the Indenture (Ext. E-10) the employer-employee relationship remained with Shri Paul Abrao and the workmen. There are reasons why no such conclusion can be arrived at. After all Shri Paul Abrao was the head of the family and out of brotherly feelings tried to help his brothers to set up a business, and, therefore, guidance and general directions were continued to be given by Shri Paul Abrao (vide evidence of the Manager, Shri R. P. Mnon). It will be noticed that in fact the boats etc. were delivered to the Corporation only on 1-6-1962 and the work of the Corporation had just started and if Shri Paul Abrao intervened in the matter for the sake of his relations who were partners of the Corporation and for the carrying out of which work of the Corporation he had advanced a loan of Rs. 10,000 there is nothing surprising. That all this was done for the sake of the Corporation

fellows from the fact that these letters have been produced from the custody of the Corporation.

19. A large number of letters, e.g. Exts. E-2/7 dated 28-7-1962, E-2/12 dated 17-7-1962, E-2/32 dated 26-7-1962, E-2/33 dated 26-7-1962 & E-2/47 dated 26-7-1962, have been produced to show that letters were written to Shri Paul Abrao for appointments of serangs, tindals etc. These letters, however, do not show that the appointments used to be done by Shri Paul Abrao or by his son. In fact, all these show that they were forwarded to the Corporation for doing the needful. There is clear evidence of Shri P. Solomon Abrao (EW-2) in this regard. Production of these letters from the custody of the Corporation supports the case of the Employer No. I that although they had been received by Employer No. I they were forwarded to the Corporation for doing the needful.

20. Similarly reference was made to letters Exts. E-2/48 dated 3-10-1962, E-2/49 dated 4-10-1962, E-2/51 dated 6-9-1963 & E-2/52 dated 29-2-1964 to show that Madura Company Pvt. Ltd. and others used to correspond with Shri B. Paul Abrao in the matter of discharge of import cargo, landing charges etc. Some of these letters contained endorsement that they were forwarded to the Cochin Lighterage Corporation for necessary action. Again production of these letters from the custody of the corporation lends support to such an inference. It is quite likely that the Firms might not have been knowing of the transfer of the business in favour of the Corporation and, as such, they continued writing letters to Shri B. Paul Abrao. Ext. E-2/20 is a letter dated 20-6-1962 written by the Union to Shri B. Paul Abrao with a copy to the Conciliation Officer. It is in respect of demands of the lighter crews. It was stated therein that in case there was a failure to concede the demands within a short period direct action will be resorted to. Ext. E-2/21 dated 29-6-1962 is a further letter to Employer No. I in this regard. In reply to these two letters Shri Paul Abrao sent a letter dated 6-7-1962 (Ext. E-2/22). Therein he suggested formation of a sub-committee to go into the matter. Evidence of the Manager, Shri R. P. Menon, is that after 1-6-1962 Shri Paul Abrao used to hire boats from the Cochin Lighterage Corporation, and carry on the work of shipping and landing cargo and that they had other work also and since they were still interested in such a work, letter (Ext. E-2/22) was sent to the Union by Shri B. Paul Abrao. Again the demand was a general demand made to all the Boat Owners and Steamer Agents. This will appear from the Notice dated 30-6-1962 (Ext. E-2/40). The letters (Ext. E-2/41 & E-2/42) are also connected with the demands.

21. Reference was made to Exts. E-2/8, 9, 10, 12, 28 & 29 which are applications by Tindals directly to Shri Paul Abrao or to his son. The last four of them are of July, 1962, Ext. E-2/9 is of September 1963 and the enclosure to Ext. E-2/8 is of July, 1963. There is nothing to show that final order was passed upon them either by Shri Paul Abrao or by his son; rather by the letter dated 3-7-1963 (Ext. E-2/8) Shri Paul Abrao forwarded the original Petition to the Corporation. Therefore, although the Tindals might have been making applications directly to the original owner, Shri Paul Abrao, he did not pass orders on them; rather forwarded them to the Corporation for necessary action.

22. Ext. E-2/39 is a letter dated 29-6-1962 from the Labour Union to Employer No. I to settle the matter of arrears of tindal allowance. The letter shows that the arrears was of a time when Shri Paul Abrao also would have been liable to pay the arrears. Production of this letter from the custody of the Corporation clearly indicates that both the Employer No. I & II were involved in the question of demand.

23. These documents and circumstance were relied upon by the Cochin Lighterage Corporation in support of their case. I have shown above that none of them throws doubt on the genuineness of the transaction.

24. Now I shall take up the arguments put forward in support of the case of the Labour Union. Regarding the two Civil Suits it has been contended on behalf of the Union that the workers did not contest them since during that period the present Reference had been made. But even thereafter the Secretary of the Union entered into a Settlement with the Corporation in the Conciliation proceeding (vide Ext. E-1 dated 29-1-1964). It was argued for the Labour Union that no intimation of transfer was given to the Deputy Conservator of the Port Trust. It might not have been at the relevant time, but information was conveyed to him by means of a letter dated 2-3-1964 (Ext. E-2/29) of which mention has been made above. Reference has

been made to the letter dated 4-7-1963 (Ext. E-2/62) by which Shri Paul Abrao was asked to remit the fine immediately for some offence committed by the Cargo Boat. The fine seems to have been remitted by Shri B. Paul Abrao by means of his letter dated 8-7-1963 with a copy to the Cochin Lighterage Corporation. It will be noticed that the licences still stood in the name of Shri B. Paul Abrao. Therefore, in respect of the matters connected with the Port Authorities Shri Paul Abrao continued to comply with their orders, but later debited the amounts in the accounts of the Lighterage Corporation. I have already spoken of the letters that were forwarded to the Corporation and another direct letter in this regard is Ext. E-2/4 dated 13-9-1963 and its enclosure. The letters dated 4-7-1963 & 8-7-1963 (Ext. E-2/62 collection) are to the same effect. Ext. E-2/8 is a letter dated 3-7-1963 forwarding a Petition in original by Shri Paul Abrao to the Corporation. On a similar point is the letter dated 1-2-1963 (Ext. E-2/17), which was forwarded to the Corporation by the Employer No. 1 Shri T. M. Aboo, General Secretary of the Cochin Port Cargo Labour Union, has examined himself and he has admitted the Settlement dated 29-1-1964 (Ext. E-1). It is not understandable how in view of this Settlement, which he had entered into with the Corporation, he can be heard to say that the deal with the Corporation was not a real one. In his evidence Shri Aboo said that after 1-6-1962 he had entered into settlement with Shri B. Paul Abrao regarding wages of workmen and that he can produce some of the settlements which he had made with him. He was specifically asked to produce them by means of an affidavit dated 5-10-1977 filed on behalf of the employer No. 1, but none was produced.

25. From the facts and circumstances set out above, I feel satisfied that the ownership and management of the undertaking which once was held by M/s. B. Paul Abrao & Sons was transferred to the Cochin Lighterage Corporation and that the workers had notice of transfer through the Unions. As there was no interruption on the services of the workmen and terms and conditions of service of the workmen continued to be the same the Lighterage Corporation was liable for retrenchment compensation etc. legally payable to the workmen.

26. The learned Counsel on behalf of the parties made some submission on the question whether the workers specified in Schedule II of the Order of Reference were engaged in floating crafts prior to and as on 1-6-1962 or thereafter. The case of the Cochin Lighterage Corporation is that the workmen named in Schedule II of the Order of Reference were employed by Shri Paul Abrao before 1-6-1962 and that even after that date they were being employed as such till a situation arose whereunder it was found that it was not possible to give continued employment to them. In the written statement filed by Shri Paul Abrao, no clear cut plea on the point has been disclosed. What is stated therein is that the persons whose names appear in Schedule II are the workmen of the Cochin Lighterage Corporation who alone are employers of the said workmen. There is no denial that they were not employed by Shri Paul Abrao. A rejoinder was also filed by Shri Paul Abrao and even therein there is nothing to clearly indicate this. In its written statement, the Cochin Port Cargo Labour Union says that the workmen mentioned in Schedule II of the Order of Reference were employed by Shri Paul Abrao. One of the workmen, Shri T. M. Mohammed (WW-1), was examined in this regard. He has stated that he commenced his service in 1948 and was appointed by Shri Paul Abrao and that in the list some workers who are shown as having entered service after 1962 are having service prior to 1962. Shri T. M. Mohammed has deposed that they are shown as employed after 1962 because they were working in the crew of their ship shown against their vessels. From the materials on record it is clear that the workers who were in service prior to and as on 1-6-1962, were employed by Shri Paul Abrao. It was submitted on behalf of the Cochin Port Cargo Labour Union that a definite finding as to which of persons were employed prior to 1-6-1962 and on or after that date will be decided in a proceeding under Section 33C(2) of the Act.

27. Regarding the question whether the undertaking has been closed down or not, the case of Shri Paul Abrao is that the Cochin Lighterage Corporation and its Management were unable to operate their boats and to provide employment to the workmen employed therein. In its written statement the Lighterage Corporation has admitted that the workmen named in Schedule II were employed by Shri B. Paul Abrao before 1-6-1962 and even after 1-6-1962 they were being employed

till such a situation arose wherein it was not possible to give continued employment to them. The contract with Shri B. Paul Abrao had come to an end in April, 1964 and there was considerable fall in shipping and landing business with the opening of four berths. The Corporation had no other business where the floating crafts could be usefully employed. Thus the crafts became idle and workmen could not be employed. It is clear case that the Corporation is practically not functioning. The case of the Cochin Port Cargo Labour Union is that the workmen were kept unemployed deliberately by purposely keeping the boats in dock without attending to repairs with the sole intention of depriving their wages. Shri P. Solomon Abrao (EW-2) has been examined on behalf of Employer No. 1. He has deposed that whatever has been stated in pleadings on his behalf are correct. Evidence of Shri T. M. Aboo (WW-2) is that most of the lighters are dilapidated at present and that none of them is in use since 1964. There is no controversy between the parties on this part of the case. Also there is no plea on behalf of any party that the undertaking was closed down on account of unavoidable circumstances beyond the control of the employer. It is also clear that the service of the workmen was not interrupted by sale in favour of the Lighterage Corporation.

28. Regard being had to the above discussion, my finding is that it is a case which is covered by Sections 25FFF read with Section 25F of the Industrial Disputes Act, 1947 and the workmen are entitled to the relief from the Cochin Lighterage Corporation.

29. In the result, my award is that action of the Cochin Lighterage Corporation in not providing work to the workmen specified in Schedule No. II to the Order of Reference is not justified and that they are entitled to relief from the Cochin Lighterage Corporation.

30. Reference is answered accordingly.

J. NARAIN, Presiding Officer.
[No. 28/60/64-LR. IV/D. IV(A)Pt.]
NAND LAL, Desk Officer

S.O. 1688.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the following award of the Central Government Industrial Tribunal Bangalore in the industrial dispute between the employers in relation to the management of Vijaya Bank Ltd., Bangalore and their workmen over transfer of S/Shri H. Chandrashekhar and others which was received by the Central Government on the 20-5-78.

BEFORE THE INDUSTRIAL TRIBUNAL IN KARNA-
TAKA, BANGALORE
Dated 28th April, 1978

Reference No. 8 of 1976 (Central)

I PARTY : II PARTY,
The workmen of Vijaya Bank Limited represented by the
President, Vijaya Bank Staff Union, No. 471, 1st
Stage, Indira Nagar, Bangalore-560038.

—Vs—
The Management of Vijaya Bank Ltd, by its Chairman,
No. 2 Residency Road, Bangalore.

APPEARANCES

For the I Party : Sri K. Subba Rao, Advocate, Bangalore.
For the II Party : Sri K. J. Shetty, Advocate, Bangalore.

ORDER OF REFERENCE

(Government Order No. L-12011/41/76-D. II. A. dated
29th September 1976).

AWARD

As per Government Order No. L-12011/41/76-D. II. A. dated 29th September, 1976 issued in exercise of its powers conferred by Section 7A and Clause (d) of Sub-Section (1) of Section 10 of the Industrial Disputes Act, 1947, the Central Government has referred the following dispute for adjudication to this Tribunal :—

“Whether the action of the management of Vijaya Bank Limited, Bangalore in transferring S/Shri H. Chandrashekhar, K. Vasanth Shetty, Rajiv Shetty, M. Dinakar Rai, Sadashiv Shetty, Sudhir Naik and

Subhash Chandra Shetty amounts to victimisation ? If so, to what relief are the said workmen entitled ?"

2. The I Party states as follows :—

With a view to safeguard their interests and to improve their service conditions, the employees of the II Party formally met to form the Union on 2-5-1976. In the meanwhile, some of the employees, who were in the good books of the II Party's chairman, disclosed to the management about the decision to form the Vijaya Bank Staff Union by the I Party. When the Chairman came to know about the workmen who took the leading part in forming the Union, he took immediate steps to transfer 3 of them. Their transfer was done with a view to terrorise and to create fear among the other employees. Subsequently, the II Party has transferred the employees mentioned in the Order of Reference to various places as a measure of victimisation. The transfer orders are clearly illegal and are liable to be set aside. The I Party prays that the transfers may be declared as illegal and as amounting to victimisation and that the I Party-workmen may be granted all the consequential benefits including halting allowance and other benefits.

3. The II Party has stated as follows :—

K. Vasantha Shetty joined service as a trainee and was confirmed on 4-3-1974. He continued to work in the Kempe Gowda Road Branch till 5-7-1976, when he was transferred to the Hulgur Branch. His transfer, after nearly 3 years' of service, is in the usual course of business due to exigencies of work and was effected in the bona fide exercise of the II Party's powers. He also did not have a clean record of service. There was a Police report against him in Crime No. 36 of 1976 under Sections 143, 148 and 324 of the Indian Penal Code. In spite of this report, the II Party with a view to give a chance to the workman to improve his prospects engaged him as a probationary Clerk. After he was transferred to Hulgur Branch, he applied for leave on medical grounds without mentioning the number of days of leave sought for. Subsequently, he produced the Medical Certificate from a private Medical Practitioner for the period from 14-7-76 to 31-7-1976. But his absence for the period from 6-7-1976 to 13-7-1976 was not covered by any such certificate. In order to establish the bona fides of his absence, he was asked to get himself examined by the II Party's Doctor, Dr. Janardhan. But the workman did not appear before Dr. Janardhan. His absence from 6-7-1976 to 13-7-1976 is unauthorised. He does not have a clean record of service. His plea that his transfer was due to Union activities is clearly untenable.

B. Rajeeva Shetty joined service as a Trainee on 2-1-1974 and was confirmed on 2-10-1974. After a lapse of 2 1/2 years, during which period he was working in the Residency Branch, and Mayo Hall Branch, he was transferred to Kathalagere Branch.

M. Dinkar Rai joined service on 2-5-1975 and was confirmed on 2-2-1976. During his training he was working in the K. G. Road Branch. After confirmation, he was transferred to Puttur on 8-3-1976. On 28-7-1976, he was transferred to Chanchadi Branch which was newly opened in 1973 as his services were required there.

B. Sadashiva Shetty was confirmed on 2-6-1976. During his training, he was attached to the Residency Road Branch. After nearly a year, he was transferred to Maskal Branch to extend the II Party's Banking activities. During his training period, Sudhir Vilob Naik was posted to the Administrative Office on 2-11-1974 and then, he was transferred to Calcutta Branch on 13-12-1974. Thereafter, he was transferred to K. G. Road Branch on 16-6-1975. After the opening of the Mundaje Branch to implement the Government Policy to take the Banking Facilities and Rural Credit to the Villages, the II Party found it expedient to transfer him to Mundaje Branch with effect from 5-1-1976.

Subhaschandia Shetty H. joined service as a clerk on 1-12-1973 and was confirmed on 1-9-1974. During his training period, he was posted at Dajibapeth, Hubli, and after nearly 2 1/2 years, he was transferred to Ongole Branch. All these transfers were effected in the regular course of II Party's business. The power of transfer is purely a managerial function. Unless there is a specific rule prohibiting the transfer from one branch to another, the legality and propriety of the transfers made in the course of regular business and in exercise of the II Party's managerial function cannot be challenged. The mere plea of the workman that their transfers were due to Trade Union activities is untenable. The reference is liable to be rejected with costs.

4. On 24-4-1978, the I Party who was represented by its Counsel and the II Party who was represented by its Counsel's proxy requested that the case fixed for 3-5-78 may be advanced. When the case was so taken up, both the parties filed a Joint Memo stating that they have settled their dispute out of court and that, as such, the I Party does not press the adjudication of the points of dispute referred. They also prayed that an Award may be passed accordingly.

5. In the light of the Joint Memo filed an Award is passed holding that as the dispute has been settled out of court, the reference does not survive and that the reference be rejected accordingly.

(Dictated to the Stenographer, transcribed by him and corrected by me).

28-4-78

E. L. F. ALVARES, Presiding Officer

[F. No. L-12011/41/76-D. II. A]

R. P. NARULA, Under Secy.

नई खिलती, 30 मई, 1978

का० ना० 1689.—यहूः केन्द्रीय सरकार को यह प्रश्नीत होता है कि मैमसं सेट इजोनियर्स, 49 मर्केव्ह इण्डस्ट्रियल एस्टेट, भट्टाकाली कैन्स गोइ, गोवेरी (पूर्व) मुम्बई-13 इसके अन्तर्गत S इमार स्ट्रीट, कोटे, मुम्बई-1 इसकी शाखा भी है नामक स्थापन के सम्बद्ध नियोजक और कर्मचारियों की बढ़पड़ा इस बात पर महसून हो गई है कि कर्मचारी नियन्त्रित श्री ग्रैमीण उपवन्धु प्रधिनियम, 1951 (1952 का 1^o) के उपवन्धु उक्त स्थापन को लागू किये जाने चाहिये।

अब अब, उक्त अधिनियम की धारा 1 का उपधारा (1) द्वारा प्रदत्त शक्तिया का प्रयाग करने हाँ केन्द्रीय सरकार उक्त अधिनियम के उपर्युक्त उक्त स्थापन का लागू करती है।

यह घरिमाना 31 जनवरी 1977 का प्रवृत्त हई समझी जायेगा।

[मो पम० 35019(4)/77 पी०एफ० II]

New Delhi, the 30th May 1978

S.O. 1689—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Sheth Engineers, 49 Sarvodaya Industrial Estate Mahakali Caves Road, Andheri (East), Bombay-93 including its branch at 8 Hanuman Street, Fort, Bombay-1, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment,

Now therefore in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the thirty first day of January, 1977

[No S 35018(8)/78-PF II]

का०आ० 1690.—यह केन्द्रीय सरकार वा यह प्रतीत हाता है कि मैसमें “क० क०” इण्डिस्ट्रियल इन्स्ट्रुमेंट्स, प्लाट स० ५ और ६, जवाहर का आपरेटिंग इण्डिस्ट्रियल प्लॉट निमिटेड, कमांथे, पांचवेल, जिला कामार जिम्मे गारधनदाम बिल्डिंग 130 जपानी शक्ति सेट भार्य, गिरगाव, मुंबई ४ गिरत उमरी शाया महिलित है नामक स्थापन से गम्भीर नियोजक और कमांथा की वहमदया इस बात पर महसून हो गई है कि मैसमारी भविष्य निधि और प्रक्रिया उपर्युक्त अधिनियम 1952 (1952 वा 19) के उपर्युक्त उक्त स्थापन का लागू किय जाने चाहिये।

अब अब, उक्त अधिनियम का धारा 1 का उपधारा (1) द्वारा द्वारा प्रदत्त शक्तिया का प्रयाग करने हुए केन्द्रीय सरकार उक्त अधिनियम के उपर्युक्त उक्त स्थापन का लागू करती है।

यह घरिमाना 1 अप्रैल, 1974 का प्रवृत्त हुई समझी जायेगा।

[मो पम० 35019(13)/78 पी०एफ० II]

S.O. 1690.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs “K K” Industrial Instruments, Plot No 5 & 6, Jawahar Cooperative Industrial Estate Limited, Kamothe Pinvel District Kolaba including its branch at Goldhandas Building 130, Jagannath Shankar Seth Road Gurgaon, Bombay 4, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment,

Now, therefore in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of April, 1974

[No S 35018(13)/78 PI II]

का०आ० 1691.—यह केन्द्रीय सरकार को यह प्रतीत होता है कि मैसमें लालको कम्पनी निं० रहीमनुला हाउस, हामरी स्ट्रीट फॉर्म, मुंबई-१ मासक स्थापन से सम्बद्ध नियोजक और कमांथा की वहमदया इस बात पर सहमत हो गई है कि कमंचारी भविष्य निधि और प्रक्रीय उपर्युक्त अधिनियम, 1952 (1952 वा 19) के उपर्युक्त उक्त स्थापन वा लागू किय जाने चाहिये।

अब अब उक्त अधिनियम की धारा 1 का उपधारा (1) द्वारा प्रदत्त शक्तिया का प्रयाग करने हुए केन्द्रीय सरकार उक्त अधिनियम के उपर्युक्त उक्त स्थापन का लागू करती है।

यह अधिमूला 30 जून, 1977 का प्रवृत्त हुई समझी जायेगा।

[मो पम० 35014(30)/78 पी०एफ० II(1)]

S.O. 1691.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Alco Company Limited Rahimtoola House, Homji Street, Fort, Bombay-1, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment,

Now therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the thirtieth day of June 1977

[No S 35018/30/78-PF II(1)]

का०आ० 1692—के द्वाये सरकार कर्मचारी भविष्य निधि और प्रक्रीय उपर्युक्त अधिनियम, 1952 (1952 वा 19) की धारा 6 के प्रथम पर्याय द्वारा प्रदत्त शक्तिया का प्रयाग करने हुए, मम्बाड विषय में प्रावधार जाने करने के पश्चात् 30 जून, 1977 से मैसमें प्राक्ता उम्मीदी निमिटेड रहीमनुला हाउस, होमजी स्ट्रीट, फॉर्म, मुंबई-१ नामक स्थापन का उक्त पश्चात् वे प्रशासनों ने लिये विनिवाइट अर्थात्

[मो पम० 35018(30)/78 पी०एफ०-II(1)]

S.O. 1692—In exercise of the powers conferred by the first proviso to section 6 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), the Central Government, after making necessary enquiry into the matter, hereby specifies with effect from the thirtieth day of June, 1977 the establishment known as Messrs Alco Company Limited, Rahimtoola House, Homji Street, Fort, Bombay-1, for the purposes of the said proviso

[No S 35018/30/78-PF II(1)]

का०आ० 1693—यह केन्द्रीय सरकार वा यह प्रतीत होता है कि मैसमें रजनी द्रेडिंग प्लॉट इन्वेस्टमेंट (प्रावधार) निमिटेड, कामादर नियोजक परियम, गोवा, नामक स्थापन से गम्भीर नियोजक और कमांथा की वहमदया इस बात पर सहमत हो गई है कि कमंचारी भविष्य निधि और प्रक्रीय उपर्युक्त अधिनियम, 1952 (1952 वा 19) के उपर्युक्त उक्त स्थापन वा लागू किय जाने चाहिये।

अब अब, उक्त अधिनियम की धारा 1 का उपधारा (1) द्वारा प्रदत्त शक्तिया का प्रयाग अर्थात् रहीमनुला केन्द्रीय सरकार उक्त अधिनियम के उपर्युक्त उक्त स्थापन वा लागू करती है।

यह अधिमूला 1 अक्टूबर 1976 का प्रवृत्त हुई समझी जायेगा।

[मो पम० 35019(31)/78 पी०एफ०-II]

S.O. 1693.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Rajani Trading and Investment (Private) Limited, Damodar Niwas Panjim, Goa, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act 1952 (19 of 1952), should be made applicable to the said establishment,

Now, therefore in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of October 1976

[No S 35018(31)/78 PI II]

क्रा० आ० 1694.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि मै० केमप्रोजेक्ट्स डिजाइन प्राइवेट लिमिटेड, गोपाल द्वीप चिल्लग, 17-पंचशील शापिंग सेंटर, नई दिल्ली, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किये जाने चाहिए;

अतः अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 अप्रैल, 1976 को प्रवृत्त हुई समझी जायेगी।

[सं० एम०-35019(22)/78-पी०एफ० II]

S.O. 1694.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Chemprojects Design and Engineering (Private) Limited, Gopal Deep Building, 17-Panch Sheel Shopping Centre, New Delhi, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of April, 1976.

[S. 35019(22)/76-PF. II]

क्रा० आ० 1695.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स रानी मैटल इण्डस्ट्रीज, चेरुवन्नूर ग्राम, कोजिकोड तालूक कोजिकोड जिला, नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किये जाने चाहिए;

अतः अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 31 मार्च, 1978 को प्रवृत्त हुई समझी जायेगी।

[सं० एम०-35019(46)/78-पी०एफ० II]

S.O. 1695.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs. Ranee Metal Industries, Cheruvannur Village, Kozhikode Taluk, Kozhikode District, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provision of the said Act to the said establishment.

This notification shall come into force on the thirty first day of March, 1978.

[No. S. 35019(46)/78-PF. II]

क्रा० आ० 1696.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स श्री गौरीशंकर विलास, श्रीकाकुलम नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किये जाने चाहिए;

अतः अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 दिसंबर, 1976 को प्रवृत्त हुई समझी जायेगी।

[सं० एम०-35019(68)/78-पी०एफ० III]

S.O. 1696.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Sri Gauri Sanker Vilas, Sivakulam, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of December, 1976.

[No. S. 35019/68/78-PF. II]

क्रा० आ० 1697.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स केमीटेक (इंडिया) (प्रा०) लि०, इडस्ट्रियल डेवेलपमेंट एरिया, कोच्चुवेली-21 नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

अतः अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 जनवरी, 1978 को प्रवृत्त हुई समझी जाएगी।

[सं० एम० 35019(69)/78-पी०एफ० II]

S.O. 1697.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs. Chemitech (India) (Private) Limited, Industrial Development Area, Kochuveli, Trivandrum-21, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of January, 1978.

[No. S. 35019/69/78-PF. II]

क्रा० आ० 1698.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स श्री०श्री०के० वाल्वम (प्राइवेट) लिमिटेड, पा०-४, इण्डियन प्राईटेट, हुब्ली-२१ नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रकीर्ण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

अतः अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 जनवरी, 1978 को प्रवृत्त हुई समझी जाएगी।

[सं० एम० 35019(70)/78-पी०एफ० II(i)]

S.O. 1698.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs. B.D.K. Valves (Private) Limited, N. 4, Industrial Estate, Hubli-21, have

agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment:

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of January, 1978.

[No. S. 35019/70/78-PF. II(i)]

का० आ० 1699—केन्द्रीय सरकार कर्मचारी भविष्य निधि और प्रक्रीण उपबन्ध अधिनियम, 1952 (1952 का 19) की धारा 6 के प्रथम परामुक द्वारा प्रदत्त नियोजकों का प्रयोग करते हुए, सम्बद्ध विषय में आवश्यक जांच करने के पश्चात् 1 जनवरी, 1978 से मैसर्स बी० डी० के० आलवस (प्राइवेट) लिमिटेड, एन-4, इण्डस्ट्रियल एस्टेट, हुबली-21 नामक स्थापन को उक्त परामुक के प्रयोजनों के लिए विनिर्दिष्ट करनी छै।

[मं० एम० 35019 (70)/78-पी०एफ० II (ii)]

S.O. 1699.—In exercise of the powers conferred by the first proviso to section 6 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) the Central Government, after making necessary enquiry into the matter, hereby specifies with effect from the first day of January, 1978 the establishment known as Messrs B.D.K. Valves (Private) Limited N-4, Industrial Estate, Hubli-21, for the purposes of the said proviso.

[No. S. 35019/70/78-PF. II(ii)]

का० आ० 1700.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स श्री कृष्ण विलाय, मील्स होटल, राजम, जिला श्रीकाकुलम नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रक्रीण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लाग किए जाने चाहिए;

अतः अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त नियोजकों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 दिसंबर, 1976 को प्रवृत्त हुई समझी जाएगी।

[मं० एम० 35019 (71)/78-पी०एफ० II]

S.O. 1700.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Sri Krishna Vilas, Meals Hotel, Rajam, Srikrakulam District, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of December, 1976.

[No. S. 35019/71/78-PF. II]

का० आ० 1701.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स कम्तूरी आयल प्रोडक्ट्स, मुक्का, भंगलौर नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रक्रीण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लाग किए जाने चाहिए;

अतः अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त नियोजकों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 मार्च, 1978 को प्रवृत्त हुई समझी जाएगी।

[मं० एम० 35019 (73)/78-पी०एफ० II]

S.O. 1701.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Kasturi Oil Products, Mukka, Mangalore, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of March, 1978.

[No. S. 35019(73)/78-PF. II]

का० आ० 1702.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स प्रोग्रेसिव इंजीनियरिंग, 689/1, उद्यम बाग बेलगाम नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रक्रीण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

अतः अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त नियोजकों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 फरवरी, 1978 को प्रवृत्त हुई समझी जाएगी।

[मं० एम० 35019 (74)/78-पी०एफ० II]

S.O. 1702.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Progressive Engineering, 689/1, Udyambag, Belgaum, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of February, 1978.

[No. S. 35019/74/78-PF. II]

का० आ० 1703.—यतः केन्द्रीय सरकार को यह प्रतीत होता है कि मैसर्स सुवर्ण बीड़ी, मरतामिकट्टा, भंगलौर नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की बहुसंख्या इस बात पर सहमत हो गई है कि कर्मचारी भविष्य निधि और प्रक्रीण उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किए जाने चाहिए;

अतः अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त नियोजकों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 28 फरवरी, 1978 को प्रवृत्त हुई समझी जाएगी।

[मं० एम० 35019 (75)/78-पी०एफ० II]

S.O. 1703.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Suvarna Beedi, Marnamikatta, Mangalore, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the twenty-eighth day of February, 1978.

[No. S. 35019/75/78-PF. II]

का०आ० 1704—यत् केन्द्रीय सरकार को यह प्रतीत होता है कि मैमर्स दि नवलगुंद तालुका प्राइमरी को-ऑपरेटिव लैण्ड डेवलपमेंट बैंक लिमिटेड, नवलगुंद, जिला धारवाड़ नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की अड्डस्थान इस बात पर महसूल हो गई है कि कर्मचारी भविष्य निधि और प्रकोण्ठ उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू विषय जाने चाहिए;

अन् अब, उक्त अधिनियम की धारा 1 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग भरते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 अगस्त, 1977 को प्रवृत्त हुई समझी जाएगी।

[म० एग० 35019 (76)/78-पी०एफ० II(1)]

S.O. 1704.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs the Navalgund Taluka Primary Co-operative Land Development Bank Limited, Navalgund, Dharwar District, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of August, 1977.

[No. S. 35019/76/78-PF. II(i)]

का०आ० 1705—केन्द्रीय सरकार कर्मचारी भविष्य निधि और प्रकोण्ठ उपबन्ध अधिनियम, 1952 (1952 का 19) की धारा 6 के प्रथम परामुख द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, सम्बद्ध विषय में प्रावधारक जांच करने के पश्चात् 1 अगस्त, 1977 से मैमर्स दि नवलगुंद तालुका प्राइमरी को-ऑपरेटिव लैण्ड डेवलपमेंट बैंक लिमिटेड, नवलगुंद, जिला धारवाड़ नामक स्थापन को उक्त परामुख के प्रयोजनों के लिए विनियित करती है।

[म० एग० 35019 (76)/78-पी०एफ० II (ii)]

S.O. 1705.—In exercise of the powers conferred by the first proviso to section 6 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952, (19 of 1952), the Central Government, after making necessary enquiry into the matter, hereby specifies with effect from the first day of August, 1977, the establishment known as Messrs. The Navalgund Taluka Primary Co-operative Land Development Bank Limited, Navalgund, Dharwar District, for the purposes of the said proviso.

[No. S. 35019(76)/78-PF. II(ii)]

का०आ० 1706—यत् केन्द्रीय सरकार को यह प्रतीत होता है कि मैमर्स केरल टेक्सटाइल को-ऑपरेशन लिमिटेड, 'पंकज' ब्रेलायाप्लास्टिम, त्रिवेन्द्रम-10 डस्के प्रन्तमें म० १ विकेन्द्रान्त गोड, कोयम्बटूर मित्र

इगारी जाला भी १, रामपुराम रो नामक नियोजक मैमर्स कर्मचारियों की अड्डस्थान इस बात पर महसूल हो गई है कि कर्मचारी भविष्य निधि और प्रकोण्ठ उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किया जाने चाहिए;

अन् अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 1 फरवरी, 1978 को प्रवृत्त हुई समझी जाएगी।

[म० एग० 35019 (80)/78-पी०एफ० II]

S.O. 1706.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Kerala State Textile Corporation Limited, 'Pankaj', Vellayambalam, Trivandrum-10 including its branch at No. 1, Vivekananda Road, Coimbatore-9 have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the first day of February, 1978.

[No. S. 35019/80/78-PF. II]

का०आ० 1707—यत् केन्द्रीय सरकार को यह प्रतीत होता है कि मैमर्स को-ऑपरेटिव इन्डस्ट्रियल एस्टेट लिमिटेड, बालानगर, हैदराबाद-37 नामक स्थापन से सम्बद्ध नियोजक और कर्मचारियों की अड्डस्थान इस बात पर महसूल हो गई है कि कर्मचारी भविष्य निधि और प्रकोण्ठ उपबन्ध अधिनियम, 1952 (1952 का 19) के उपबन्ध उक्त स्थापन को लागू किया जाने चाहिए;

अन् अब, उक्त अधिनियम की धारा 1 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग भरते हुए केन्द्रीय सरकार उक्त अधिनियम के उपबन्ध उक्त स्थापन को लागू करती है।

यह अधिसूचना 30 नवम्बर, 1977 को प्रवृत्त हुई समझी जाएगी।

[म० एग० 35019 (84)/78-पी०एफ० II]

प्रभू गुरु महानामन, उप सचिव

S.O. 1707.—Whereas it appears to the Central Government that the employer and the majority of the employees in relation to the establishment known as Messrs Co-operative Industrial Estate Limited, Balanagar, Hyderabad-37, have agreed that the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), should be made applicable to the said establishment;

Now, therefore, in exercise of the powers conferred by sub-section (4) of section 1 of the said Act, the Central Government hereby applies the provisions of the said Act to the said establishment.

This notification shall be deemed to have come into force on the thirtieth day of November, 1977.

[No. S. 35019 (84)/78-PF. II]
S. S. SAHSRANAMAN, Dy. Secy.
New Delhi, the 31st May, 1978

S.O. 1708.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal Bombay, in the industrial dispute between the employers in relation to the management of Life Insurance Corporation and their workmen over the terminating the officiating managements of Shri E. G. Tili, Assistant, which was received by the Central Government on the 24-5-78.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT BOMBAY

Reference No. CGIT-31 of 1975

Employers in relation to the Life Insurance Cor., of India,
AND
Their Workmen.

APPEARANCES :

For the Management :—Shri Y. Ramchandran, Administrative Officer (Personnel).

For the Workman :—Shri M. P. More, Advocate.

INDUSTRY : Insurance.

Bombay, dated the 18th March, 1978

AWARD

The Government of India, in the Ministry of Labour, vide its Order No. L-17012/5/75/DII/4, dated the 5th July, 1975 referred the following dispute for adjudication to this Tribunal :—

SCHEDULE

"Whether the action of the management of the Life Insurance Corporation of India in terminating the officiating arrangements of Shri E. G. Tili, Assistant, IHO Group IV and his subsequent transfer to Zonal Office is justified? If not, to what relief is the said workman entitled?"

2. After the parties had filed their written statements, etc., the matter was fixed for hearing on a number of occasions. However, at the hearing on 18-3-1978, the parties filed a joint application stating that they have arrived at an amicable settlement under which the Life Insurance Cor., of India has agreed to pay the Workman concerned Shri E. G. Tili a sum of Rs. 40 which he shall accept in full and final satisfaction of all his claims in the dispute under reference. The parties pray that the Award be made in terms of this settlement.

I consider the terms of the settlement fair and reasonable and make my award in terms thereof. No order as to the costs.

J. NARAIN, Presiding Officer
[F. No. 1-17012/9/75-D. II]

S.O. 1709.—In pursuance of section 17 of the industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Ahmedabad in the industrial dispute between the employers in relation to the management of Bank of Baroda and their workmen over the termination of the services of Shri J. S. Shah temporary peon.

BEFORE SHRI R. C. ISRANI, PRESIDING OFFICER,
INDUSTRIAL TRIBUNAL, AHMEDABAD

Reference (ITC) No. 4 of 1977

Adjudication

BETWEEN

The Bank of Baroda,
Ahmedabad.

AND

The Workmen employed under it.

In the matter of terminating the services of Shri J. S. Shah, temporary peon of Dabholi branch

APPEARANCES :

Shri C. V. Pavashkar for—the Bank
Shri K. R. Mehta—for the Workmen

AWARD PART-I

This is a reference made by the Govt. of India to this Tribunal under clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, (hereinafter to be referred to as the 'Act'), vide the Govt. of India, Ministry of Labour's No. L-12012/173/76-D. II A, dated 13-9-1977, in respect of an industrial dispute which has arisen between the parties, viz., the Bank of Baroda, Ahmedabad, (hereinafter to be referred to as 'the Bank') and the workmen employed under it.

The dispute, as it appears from the schedule attached to the original order, under which this reference has been made, relates to the demand, which is as under :

"Whether the management of Bank of Baroda is justified in terminating the services of Shri J. S. Shah, temporary Peon of Dabholi branch. If not, to what relief is the said workman entitled?"

In support of this demand, the union, by name, All India Bank of Baroda Employees' Union, Nagpur, has filed its statement of claim, (Ex. 3) on 30th October, 1977. It is the case of the union that one Shri J. S. Shah, (who will hereinafter be referred to as 'the workman'), was employed by the bank as a peon at its branch at Dabholi in District Baroda, Gujarat State. The workman had put in more than 240 days of continuous service from the year 1970-71. He had thereafter continuously worked under the bank till 29-5-1973, on which date his services were arbitrarily discontinued and he was rendered jobless. It is the contention of the union that the workman was appointed against a permanent sanctioned vacancy at Dabholi branch and he was performing the duties of permanent nature. Before the services of the workman were terminated, he was not given either any show-cause notice, or any retrenchment compensation. It is also alleged by the union that after retrenching the workman the bank had recruited a new person, by name, Shri Pravin Kumar, who, it is alleged, happens to be a relative of a member of the staff at Dabholi branch. It is, therefore, urged that the action of the bank in terminating the services of the workman, was illegal and unjustified and, therefore, it requires to be set aside. Since the bank refused to concede the demand of the workman for reinstatement, an industrial dispute was raised with the Govt. of India, and ultimately the said dispute was referred for adjudication to this Tribunal.

On behalf of the bank, the written statement (Ex. 8) has been filed on 22nd December, 1977. It is contended that the workmen being a temporary peon, would not be legally entitled to file such a claim, or to raise such an industrial dispute. It was also urged that this Tribunal has no jurisdiction to entertain and decide any such reference. It was contended that, in fact, no industrial dispute existed between the parties and, therefore, no reference could be made of any such dispute to the Industrial Tribunal. According to the bank, the workman was not a member of the above mentioned union and, therefore, also the Govt. of India was not justified in making the reference for which there was no justification whatsoever. It is the case of the bank that the workman was appointed on purely temporary basis on account of some increase in work and, therefore, as soon as the said work was over, his services came to an end automatically and that the termination of his services under such conditions, would not amount to retrenchment, as contemplated under the Act. It was, therefore, urged that the demand covered by this reference, should not be granted and consequently the reference be rejected.

The bank also filed further written statement (Ex. 13) on 22nd February, 1978. Through this additional written statement, a legal plea was taken which was to the following effect :

"The Bank states that no dispute exists between it and its workmen in regard to the reinstatement of Shri J. S. Shah. The Bank states that no demand has been received by it from the Union of the workmen regarding reinstatement of the workman and consequently no Industrial Dispute exists between the Bank and the workmen employed by them over the reinstatement of Shri J. S. Shah. In the circumstances, it is submitted that no industrial dispute exists and what is referred is not an industrial dispute and this Honourable Tribunal be pleased to hold accordingly."

Again, further additional written statement (Ex. 17) was filed on 1st March, 1978. Through this further additional written statement, the same plea about there being no industrial dispute between the parties, was reiterated. In addition to that, a further plea was taken that the workman was employed in Dabhoi branch, District Baroda; that in that branch there were in all 23 workmen and they had a separate union, by name, Gujarat Pradesh Karmachari Sangh. It is contended that this industrial dispute has not been raised or espoused by the said union and, therefore, the present reference is not legally maintainable, as the union which has raised this industrial dispute, had no authority to do so. It is urged that the Bank of Baroda Employees' Union does not have any representative character insofar as the Dabhoi branch is concerned and, therefore, also the said union cannot raise any industrial dispute on behalf of the workmen employed in Dabhoi branch. A further contention was taken that during the course of the conciliation proceedings, no resolution was filed by the Bank of Baroda Employees' Union, Baroda, that they had been authorised either by the workmen of the Dabhoi branch to raise an industrial dispute on their behalf in respect of reinstatement of Shri J. S. Shah, or they have been authorised by the workman himself to raise an industrial dispute on his behalf. In short, it is contended by the bank that because the union which raised this industrial dispute before the Government of India, had no legal authority to do so, the present reference would not be legally maintainable. It was, therefore, urged that the reference be rejected.

The bank was represented by Shri Pavashkar and the union was represented by Sh. K.R. Mehta because these preliminary contentions were taken on behalf of the bank & because they are of such a nature that if they are decided in favour of the bank, the entire reference would be likely to be finally disposed of, it was decided to hear those preliminary contentions in the first instance before entering into the merits of the industrial dispute. I have, therefore, heard the learned representatives of the parties and have also considered the evidence given by one Shri S. R. Shah on behalf of the bank. He is an officer in charge of the staff and personnel of the bank at Ahmedabad. After hearing the learned representatives of the parties and after considering the evidence led before this Tribunal, the only short point which would call for determination at this stage, would be, whether the present reference is not legally maintainable, in view of the fact that the union which had raised this dispute with Government of India, and at whose instance the present reference has been made, had no legal authority on behalf of the workman to raise such an industrial dispute ?

In fact, on behalf of the bank, two preliminary contentions were raised in order to show that no industrial dispute existed between the parties in this case and, therefore, the present reference should not have been made by the Government of India. The first contention was that after the services of the workman were terminated, no demand was made from the bank for his reinstatement in writing and there was no refusal by the bank in that connection. However, at the time of arguing these preliminary contentions, Shri Pavashkar on behalf of the bank, did not press this contention, obviously because the witness examined on behalf of the bank, one Shri S. R. Shah, at Ex. 19, had admitted that the workman involved in this reference, had made applications to the bank authorities for his reinstatement and that the bank had not given any reply to him. He further admitted that his demand had also not been acceded too. From this admission of the witness examined on behalf of the bank that demands were made in writing which were not acceded too, it becomes clear that the demand was raised and it was not accepted by the bank. This contention was, therefore, rightly given up on behalf of the bank.

As regards the second contention that the union viz., the All India Bank of Baroda Employees' Union, Bombay, which had raised this dispute, had no legal authority to do so, is concerned, in my opinion, even the said contention has absolutely no force. Admittedly, the said union is an all India union representing the employees, or the workmen employed by the Bank of Baroda. The workman concerned in this case, was undoubtedly employed by the Bank of Baroda in its Dabhoi branch in Baroda District in the State of Gujarat. It is nowhere contended specifically on behalf of the bank, that the workman was not a member of the said union. On the contrary, the witness examined on behalf of the bank

has shown his ignorance in that respect. During his examination-in-chief, he has stated that there are 23 workmen employed by the bank at its Dabhoi branch and that there is a local union, by name, Gujarat Pradesh Karmachari Sangh. He further stated that he had received a communication from that union that the workmen of that branch are its members. It is important to note that the said communication has not been produced in this reference. Shri Pavashkar, appearing on behalf of the bank, put a further question to this witness during his examination-in-chief, and the reply of the witness to that question was, as under :

"I have no knowledge about any other union of which these workmen may be members."

From this reply, it is clear that there is no denial from the bank that the workmen employed at Dabhoi by this bank, and particularly the concerned workman, were the members of that all India union.

On the other hand, there is documentary evidence on record which shows that all the workmen employed by the bank at its Dabhoi branch, are the members of this all India union, because this union had negotiated a settlement with the bank on behalf of those workmen. During his cross-examination, the witness examined on behalf of the bank at Ex. 19, admitted as under :

"....I am shown a settlement entered into between the union by name All India Bank of Baroda Employees' Union and the Bank Management in respect of the Godown Keeper employed at Dabhoi. I tender a copy of that settlement in evidence at Ex. 20...."

If we refer to that settlement (Ex. 20), it becomes very clear that in the year 1976 the said settlement was arrived at between the All India Bank of Baroda Employees' Union, Bombay, and the bank authorities. It was in respect of as many as 7 workmen employed by the bank at its Dabhoi branch. This would clearly establish that the workmen working at Dabhoi in this bank, were the members of the said union, which has sponsored the case of the workman concerned in this reference.

There is also another documentary piece of evidence which would also show that while this dispute was pending, before the Assistant Labour Commissioner (C), Ahmedabad, it was this union which was negotiating with the bank authorities regarding this industrial dispute and no objection seems to have been taken by the bank on the plea that this union could not legally represent the concerned workman. In this connection, a reference is invited to the letter, dated 16th November, 1976, (Ex. 181), addressed by the Assistant Labour Commissioner (C), Ahmedabad, to the Secretary to the Government of India, Ministry of Labour, New Delhi. On closely scrutinising this letter, it becomes very clear that it was this All India Bank of Baroda Employees' Union, Bombay, which was carrying on negotiations with the bank for a settlement of this industrial dispute covered by this reference, but unfortunately no settlement could be arrived at and, therefore, the conciliator submitted his failure report to the Government of India, with a request that the dispute may be referred for adjudication to the competent industrial tribunal. In view of this position, it cannot now lie in the mouth of the bank to say that this all India union, cannot represent the case of the workman, as it has no legal authority to do so. The bank itself has been negotiating in respect of various industrial disputes between the management and the workmen, with this very union. At Ex. 2, the authority is produced by Shri K. R. Mehta, who represents the workman in this reference. This authority is given to him by the general secretary of All India Bank of Baroda Employees' Union to represent the workman in this reference, and it is dated 30th October, 1977. The all India union, therefore, is not any alien agency which has nothing to do with the employees of the Bank of Baroda, or particularly the workman covered by this reference. In fact, it is an all India union of no other persons, but of the employees of the Bank of Baroda. It is, therefore, a proper body to represent the cause of such workmen and, in the instant case, it has also rightly espoused the case of the workman. In the case between Workmen of M/s. Dharam Pal Prem Chand (Saugandhi, v. M/s Dharam Pal Prem Chand (Saugandhi), (reported in AIR, 1966, Supreme Court, on page 182), it has been held by the Supreme Court of India that even an individual dispute when sponsored by a union of workmen, or

by a group of workmen, would become an industrial dispute. In this case, therefore, this individual dispute relating to the concerned workman, is undoubtedly an industrial dispute, as it has been sponsored by a registered union of All India Employees of the Bank of Baroda.

Shri Pavashkar, on behalf of the bank, has invited my attention to a few decisions, but, in my opinion, they do not apply to the facts of the present case. The first decision cited by him is reported in 1957 (II) L.L.J., on p. 1, in the case between Newspapers Ltd., and Industrial Tribunal Uttar Pradesh and other. In that case the Supreme Court was considering the provisions of Section 2 of Uttar Pradesh Industrial Disputes Act, as well as provisions of Section 2(k) of the Act. The relevant portion from the head note, is to the following effect :

....Thus viewed the provisions of the Act lead to the Act lead to the conclusion that its applicability to an individual dispute as opposed to dispute involving a group workmen is excluded unless it acquires the general characteristics of an industrial dispute, viz., the workmen as a body or a considerable section of them make common cause with the individual workman and thus create conditions contemplated by S. 3 of the Uttar Pradesh Act which is the foundation of the State Governmental action under that Act.... .

Even according to these observations, an individual dispute can be an industrial dispute if it is sponsored by a body or a considerable section of workmen, who may make a common cause with that individual workman. In the instant case, with this individual dispute relating to a single workman, the entire union representing the employees of the Bank of Baroda throughout India, has made a common cause and, in fact, it was that union which has sponsored this industrial dispute. Not only that, but it remained present before the conciliator and made attempts for a settlement but unfortunately it was possible to do so. The Govt. of India was approached and ultimately this reference was got made to this Tribunal for the adjudication of that dispute, which has undoubtedly become an industrial dispute.

The other decision cited by him is reported in 1965, (I), L.L.J. on p-95 in the case between Nellai Cotton Mills, Tirunelveli, and Labour Court, Madurai, and another. The facts of this case would not be applicable to the facts of the present case, as would be clear from the following recital in the head note :

"The management in their pleadings before the labour court had stated in the instant case that the dispute in question was an individual dispute and hence the labour court could not go into it. The dispute of the individual worker was taken up and referred for adjudication at the instance of a general union of which some of the fellow workmen in the establishment were members. The labour court did not consider the question as to how many of the fellow workmen actually espoused the cause of the concerned workman by participating in the particular resolution of the union. The labour court thus negatived the contention of the management in this respect on ground that out of 260 permanent workers in the establishment 86 were members of the union and hence the union, though it consisted of workers of other management, had a right to take up the dispute of the concerned worker."

From these facts, it will become clear that in that case the union which had sponsored the cause of the concerned workman, was not exclusively the union of the workmen employed in that particular industry. Again, there was doubt as to how many workmen of that establishment were the members of that particular union which had sponsored the cause of the concerned workman. In the instant case, the union represents the workmen employed by the Bank of Baroda throughout India in all its various branches located in different part of the country. It is not the union representing the

workmen of any other industry, excepting the Bank of Baroda. Again, in this case, it is nowhere the contention of the bank that all the workmen employed by the bank at its Dabhoi branch, are not the members of this union. On the contrary, there is documentary evidence on record that this very union has been negotiating with the bank in respect of the industrial disputes of its workmen employed at Dabhoi branch, where the workman was also employed. As such, even the second decision would not be helpful to the bank. The third and the last decision cited by him is reported in 1975 (31), F.L.R., at p. 305, in the case between Orissa Industries (P.) Ltd., and Presiding Officer, Industrial Tribunal and others). In that case, it was held that there being no industrial disputes, the reference by the Government under Section 10(1), read with Section 12(5) of the Act, was without jurisdiction. In view of this position, the impugned order passed by the Tribunal, was held to be liable to be quashed. It is thus clear that in that particular case the High Court of Orissa came to the conclusion that no industrial dispute existed between the parties and, therefore, the State Govt. had no jurisdiction, or right, to make any reference for the adjudication of any such dispute. This conclusion was arrived at on the basis of the facts of that case that in that particular case the workmen had failed to prove that they had made a demand before the management which was refused, prior to the initiation of the conciliation proceedings. This decision, therefore, relates to the first preliminary contention raised in this case by the bank which contention, as stated above, was not pressed by Shri Pavashkar on behalf of the bank, because there is evidence in this case, that the applications were made by the workman to the bank authorities, but they were not heeded to. In view of this discussion, the preliminary contentions raised to the legal maintainability of this reference by the bank, have absolutely no force and deserve to be rejected.

The preliminary contentions raised on behalf of this bank against the legal maintainability of this reference, are hereby rejected and it is directed that the reference to proceed further on its merits. The bank authorities to bear their own costs and also to pay the costs of the other side, which are quantified at Rs. 150, (Rupees one hundred and fifty only).

R. C. ISRANI, Presiding Officer
[F. No. L-12012/173/76-D. VA]

Ahmedabad,
Dated 24th April, 1978.

S.O. 1710.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal Bangalore, in the industrial dispute between the employers in relation to the management of Vijaya Vijaya Bank Ltd. and their workmen over transfer of S/S. K. Narayana Shetty, PA. Harindranath Srinivas and K. Shiva Prasad, which was received by the Central Government on the 16-5-78.

BEFORE THE INDUSTRIAL TRIBUNAL IN KARNATAKA, BANGALORE

Dated the 28th April, 1978

Reference No. 5 of 1956 (Central)

I PARTY :

Workmen of Vijaya Bank Ltd., represented by the General Secretary, Vijaya Bank Staff Union, No. 188-VI Cross, Gandhinagar, Bangalore-9

II PARTY :

Vs.

The Management of Vijaya Bank Ltd., represented by the Chairman, No. 2, Residency Road, Bangalore.

APPEARANCES

For the I Party : Sri K. Subba Rao, Advocate, Bangalore.

For the II Party : Sri K. J. Shetty, Advocate, Bangalore.

Order of Reference

(Government Order No. L-12011/28/76/DII(A) dt. 6-7-76).

AWARD

As per Government Order No. L. 12011/28/76/DII(A) dated 6-7-1976 issued in exercise of its powers conferred by Section 7A and Clause (d) of Sub-Section (1) of Section 10 of the Industrial Disputes Act, 1947, the Central Government has referred the following dispute for adjudication to this Tribunal :—

"Whether the action of the management of Vijaya Bank Limited, Bangalore, in transferring Sarva Shri K. Narayana Shetty, M. Harijeevan Shetty, H. Shankar Shetty, P. A. Harindranath Srinivas and K. Shiva Prasad from Bangalore to different places, amounts to victimisation ? If so, to what relief are the said workmen entitled ?"

2. The I Party states as follows :—

The employees of the Vijaya Bank, with a view to safeguard their interest and to improve their service conditions, took a decision to form the Vijaya Bank Staff Union in May 1976 and intimated their decision to the II Party along with the names of the Office Bearers elected. When he came to know about this, the Chairman of the II Party Bank was very much upset. On coming to know that the six workmen mentioned in the Order of Reference had taken a leading part in forming the Union, the Chairman took immediate steps for the transfer of K. Narayana Shetty (Vice President), (2) M. Harijeevan Shetty (General Secretary) and H. Shankar Shetty (Treasurer). K. Narayana Shetty and H. Shankar Shetty were relieved immediately. As M. Harijeevan Shetty was on casual leave, the order of transfer of M. Harijeevan Shetty was issued by Registered Post and was served on him along with the relieving order on the next day. The workmen in question have been transferred with the sole purpose of destroying the Union and to create fear amongst the other employees so that no one joins the Union. Therefore, the transfer orders were not issued by the management in the interest of the exigencies of the service. The circumstances under which the transfers have been made were clearly mala fide. Most of the Rural Branches of the II Party-Banks are over staffed and there was no reason or necessity for sending any more hands to these Rural Branches by effecting transfers. The transfers are, therefore, by way of victimisation. After the six workmen were transferred and relieved, they applied for leave on medical grounds complying with all the formalities. The six workmen have not been informed as to whether the leave applied for has been sanctioned or not. Their salary was also not paid. All these had been done with a view to see that the six workmen would surrender to the dictates of the Management. At one stage, the Chairman of the II Party-Bank agreed to cancel the transfer orders provided the I Party-Union agreed to dissolve itself and merge with his puppet Union, that is, Vijaya Bank's Employees' Association. The I Party prays that after cancelling the transfer orders, the six workmen may be transferred to their original places of work and that they may be awarded not only their usual pay and allowances as provided by the Bi Partite agreement but also halting allowances and other benefits.

3. The II Party has stated as follows :—

P.A. Harindranath has been promoted as an Officer and posted to Kanpur as per order dated 24-5-1977. P.A. Harindranath has also joined the duty at the Kanpur Branch on 22-6-1977. Therefore, P.A. Harindranath is not a party to the dispute. The transfer of the various workmen was a purely managerial function and, therefore, the dispute is not one that could be referred by the Central Government under Section 10 of the Industrial Disputes Act. The transfers of the workmen were effected in bona fide exercise of the managerial functions of the II Party due to exigencies of work. After completion of training and his confirmation, H. Shankar Shetty, Clerk, was posted in the Kemp Gowda Road Branch, Bangalore. After he had served there for a period of more than 3 years, i.e., on 14-6-1976, he was transferred to Changadhalli Branch. His transfer, after serving for a period of 3 years, was a routine one and in the course of the business of the II Party. Such a transfer is not open to challenge. K. Srinivasan joined service as a clerk on 2-12-1972 and was confirmed on 1-4-1973. After training in the Shanthinagar Branch, he was transferred to Santhepeeth Branch, Mysore City on 3-2-1973. On 13-7-1976 he was charge-sheeted for gross

negligence in the discharge of his duties which caused to the Bank a loss of Rs. 1,291/- . On 21-5-1976, he was relieved of his duties and was directed to report for duty at the Kestur Branch. The refusal of K. Srinivasan to accept the transfer order amounted to an act of further misconduct. However, the II Party took a lenient view of the matter and allowed him to continue in the said Branch. It is not true that he was transferred due to Union activities. With regard to K. Narayana Shetty, he joined service as a clerk on 7-4-1973 and was confirmed on 7-1-1974. After undergoing training at Hanumanthanagar Branch, he was posted on 12-11-1973 to the Administrative Office in Bangalore. After nearly 2-1/2 years' service, i.e., on 3-5-1976, he was transferred to Rangenahally Branch with a direction to report duty on 8-6-1976. His transfer was done in exercise of the II Party's managerial functions as his services were required to manage the Rangenahally Branch. Shiva Prasad Kordale joined service as a clerk on 1-6-1974 and he was under training till 1-3-1975 in the Establishment Department. On 3-8-1975, he was transferred to Vijayanagar Branch, Bangalore. After nearly a year in the said Branch by which time he acquired sufficient experience, he was transferred to Morab Branch on 22-7-1976. He was in the habit of not attending office without submitting any leave applications. He was charge-sheeted on 24-9-1975 for unauthorised absence. He expressed his regret for his absence. He was warned by a letter dated 7-6-1975. His transfer was purely in regular course of the II Party's business due to exigencies of service. Harijeevan Shetty joined service as a trainee on 1-3-1973 and was confirmed on 11-1-1974. During the period of training and therefore, he was working in the K. G. Road Branch and after nearly 3 years, he was transferred to Shirol Branch on 4-5-1976. The transfers in question were made bona fide in the interest of the II Party's business. The power of transfer is purely a managerial function and unless there is a specific rule prohibiting the transfer of an employee from one branch to another, the legality and propriety of the transfer order cannot be challenged. The II Party prays that the Reference may be rejected.

4. On 24-4-1978 the I Party who was represented by its Counsel and the II Party who was represented by its Counsel's proxy requested that the case fixed for 3-5-1978 may be advanced. When the case was so taken up, both the parties filed a Joint Memo stating that they have settled their dispute out of court and that, as such, the I Party does not press the adjudication of the points of dispute referred. They also prayed that an Award may be passed accordingly.

5. In the light of the Joint Memo filed, an Award is passed holding that as the dispute has been settled out of Court, the Reference does not survive and that the Reference be rejected accordingly.

F. L. F. ALVARES, Presiding Officer

[F. No. L-12011/28/76-D. II A]

S.O. 1711.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal Bangalore on the Complaint of Shri Raghavendranath Rao under Section 33-A of the I.D. Act, 1947 against the management of Corporation Bank Ltd. Mangalore, which was received by the Central Government on the 20-5-78.

**BEFORE THE INDUSTRIAL TRIBUNAL IN
KARNATAKA, BANGALORE**

Dated the 12th May, 1978

PRESIDENT :

Sri F.L.P. Alvares, B.A., B.L., Presiding Officer
Complaint No. 3 of 1976 in Reference No. 5/69 (Central)
Complainant

M. Raghavendranath Rao, Major, 13/1067, Attavar
New Road, Mangalore-575002.

Vs.

Opposite Party :

The Corporation Bank Ltd., Mangalore-575001.

APPEARANCES :

For the Complainant :—None present.

For the Opposite Party :—None present.

AWARD

This is a Complaint under Section 33-A of the Industrial Disputes Act, 1947.

2. The Complainant states that he was appointed by the Opposite Party as a Clerk on 15-4-1958 and that as on 22-12-1975, he was working as a Special Assistant in the Administrative Office of the Opposite Party at Mangalore. He was kept under suspension on 24-12-1975 pending departmental enquiry. He was charged with misconduct of wilful insubordination. After holding the domestic enquiry, the General Manager of the Opposite Party held that he is guilty of the alleged charge and passed an Order discharging him from service. His appeal to the Board of Directors of the Opposite Party was dismissed. The Complainant contends that he is a workman concerned in the dispute covered by the reference pending in I. D. No. 5/69. Therefore Section 33 of the Industrial Disputes Act is attracted and it is not open to the Opposite Party to discharge him from service save with the express permission or approval in writing of the Tribunal before which I. D. No. 5/69 is pending. The Opposite Party has not complied with Section 33 of the I. D. Act. He, therefore, prays that on order may be passed directing the Opposite Party to reinstate him with back wages and other benefits.

3. The Opposite Party filed the Objection Statement contending that as the Complainant was discharging supervisory duties and was drawing wages exceeding Rs. 1,000/- per month, that is, Rs. 1,394-11, per month, at the time of his discharge from service, the complainant is not a workman as defined under Section 2(s) of the Industrial Disputes Act and that, further, the Complainant is not a workman concerned in the main dispute. The main dispute pending before the Tribunal is also not an industrial dispute. Section 33 is not applicable. The Complainant is not a protected workman. The Opposite Party further stated that as per orders dated 22-12-1975 transferring the Complainant to the Branches Inspection Department, the Complainant handed over charge of all the files held by him at the Advances Department on 23-12-1975 after office hours. The Complainant ought to have reported for duty at the Branches Inspection Department on 24-12-1975 in the morning before office hours. Instead, on 24-12-1975, the Complainant was sitting idle at the Advance Department occupying the chair where he used to sit without reporting for duty at the Branches Inspection Department. With a view to find out the reason for not reporting for duty at the Branches Inspection Department, the Chairman of the Opposite Party sent word to the Complainant through his Peon to see him at his cabin. The Peon came back and reported to the Chairman that the Complainant refuses to come and see him at his cabin. Thereupon, the Chairman went to the Complainant in person and asked him in the presence of the Deputy General Manager of the Establishment Department as well as the Labour Law Officer to accompany him to his cabin. The Complainant refused to accompany and behaved in a very rude manner towards the Chairman. The Complainant

was thereupon placed under suspension and an enquiry was held against him. The Complainant was permitted to be represented by the General Secretary of the Union to defend him and was given full opportunity to cross-examine the Opposite Party's witnesses and to examine his witnesses. The Enquiry Officer found the Complainant guilty of 2 of the 3 charges relating to wilful insubordination of lawful and reasonable orders of the Chairman and wilful disobedience of the order to report for duty at the Branches Inspection Department on 24-12-1975 at 9-30 A.M. The orders passed by the Opposite Party discharging the complainant from service by paying a month's salary in lieu of notice with a view not to mar his future prospects is in accordance with law. No case has been made out by the Complainant to rescind the order of discharge.

4. As many as seven adjournments starting from 22-10-77 were obtained by the Complainant's counsel from time to time saying that negotiations are going on, that the dispute has been settled and requesting for time to report for settlement. On the subsequent 6 adjournments starting from 28-2-1978, neither the Complainant nor his counsel were present nor was any settlement reported.

5. Both the Complainant and his counsel were absent when the case was taken up on 10-5-1978 finally as ordered earlier. Observing that the Complainant had sufficient opportunity to make out his representation, it was ordered that the case be proceeded with. The records have been perused.

6. The burden lies upon the Complainant to prove that he is a workman concerned in the dispute pending in I. D. No. 5 of 1969. When the Opposite Party says that as a Special Assistant and also drawing a salary of Rs. 1,394-11 per month, the Complainant was discharging supervisory duties, prima facie it is seen that the Complainant is not a workman as defined under Section 2(s) of the Industrial Disputes Act. The complaint filed under Section 33-A of the I. D. Act does not, therefore, lie.

7. The complaint is rejected.

(Dictated to the Stenographer, transcribed by him and corrected by me).

12-5-1978

F. L. F. ALVARES, Presiding Officer
[F. No. L-12025/99/78-D.IIA.]

New Delhi, the 1st June, 1978

S.O. 1712.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, New Delhi in the industrial dispute between the employers in relation to the management of Allahabad Bank, Aligarh, and their workmen over the termination of services of Shri Arvind Kumar Gupta, Cash Clerk.

**BEFORE SHRI MAHESH CHANDRA, PRESIDING
OFFICER, CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT,
NEW DELHI**

I.D. No. 17 of 1978

BETWEEN

The President, All India Allahabad Bank Employees' Association, Katariwali, Gali Jaiganj, Aligarh (Arvind Kumar Gupta)—Petitioner.

Versus

The Asstt. General Manager, Allahabad Bank, Hazarat Ganj, Lucknow.—Respondent.

AWARD

The Central Government as appropriate Government vide its order No. L. 12012/84/77-D. II. A dated the 13th/15th February, 1978 made a reference u/s 10 of the Industrial Dispute Act, 1947 in the following terms :—

"Whether the action of the management of Allahabad Bank in terminating the services of Shri Arvind Kumar Gupta, Cash Clerk, Muslim University, Aligarh Branch w.e.f. 3-3-1977 is legal and justified ? If not, to what relief the said workman is entitled ?"

2. After usual notices were sent to the Bank and the workman fresh notification was received from the Central Govt. The said notification is of even number and dated 2/7th March, 1978 and it has been issued in the nature of a Corrigendum. It reads 'The Ministry of Labour Order No. L-12012/94/77-D. II. A dated 13/17th February, 1978 referring the industrial dispute between the employers in re-

lation to the management of Allahabad Bank, Muslim University Aligarh and their workmen which has been inadvertently issued for the second time may be treated as cancelled.'

3. Copies of the subsequent notification have been endorsed to the Asstt. General Manager, Allahabad Bank, Lucknow as also President, All India Allahabad Bank Employees Association, Aligarh.

4. In these circumstances no further action is called for in this reference and the reference would be deemed to have been cancelled. Accordingly this award deeming reference to have been cancelled is hereby made.

MAHESH CHANDRA, Presiding Officer
Dated : the 20th March, 1978.

[F. No. L-12012/94/77-D. II]
R. P. NARULA, Under Secy.